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ACTS

OF THE

GENERAL ASSEMBLY OF ALABAMA,

SESSION OF 1869-70,

COMMENCING ON

Second Monday in November.

WILLIAM H. SMITH, GOVERNOR.

A. J. APPLGATE, LIEUTENANT-GOVERNOR.

GEO. F. HARRINGTON, SPEAKER OF HOUSE.

MONTGOMERY, ALA.:

JOHN G. STOKES & CO., STATE PRINTERS.

1870.

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LAWS

OF THE

STATE OF ALABAMA.

No. 1.] AN ACT

For the relief of delinquent tax payers.

Be it enacted by the General Assembly of Alabama,
 That the 10 per cent. penalty on delinquent State and county taxes for the year 1869, provided for in section 17, of the revenue laws of Alabama, shall not attach and be collected until the 31st day of December, and on the 1st day of January, 1870, each tax collector must return to the Auditor of State all moneys in his hands belonging to the State, together with a report of the aggregate amount of taxes remaining due and unpaid at that time, after which the aforesaid penalty shall attach to the then delinquent taxes.

Penalty of 10 per cent. not to attach until Dec. 31.
Tax Collectors must make returns Jan. 1, 1870.

Approved, November 30, 1869.

No. 2.] AN ACT

Defining Section 113 of the Revenue Laws of Alabama.

Be it enacted by the General Assembly of Alabama,
 That the word "Exhibition," wherever it occurs in section 113 of the Revenue Laws of Alabama, shall be so construed as to mean an exhibition of twenty-four hours.

"Exhibition" to mean twenty-four hours.

Approved, December 1, 1869.

No. 3.]

AN ACT

To provide for the removal of the county seat of Marengo county, Alabama, from Demopolis, in said county, to Linden, in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county seat for Marengo county be, and the same is hereby removed from Demopolis, in said county, and that said county seat be, and the same is hereby permanently located in the town of Linden, in said county.

County seat
removed to
Linden.

SEC. 2. *Be it further enacted,* That James D. Fox, F. B. Jackson, and A. A. J. Riddle be, and they are hereby appointed a Board of Commissioners, for the performance of the duties and exercise of the powers hereinafter enjoined and conferred upon them; a majority of said board may act and may fill all vacancies therein.

SEC. 3. *Be it further enacted,* That said board of commissioners are hereby empowered to purchase, at a reasonable price, for the use of said county, the court house and jail now at Linden, with the lots on which they are situated, and to remove, within two months from the approval of this act, all the books, papers, and records of the several courts and public offices of said county, now required to be kept at the county seat of said county, from Demopolis to Linden, and to furnish the court of county commissioners with the amount necessary for such purpose; and failing to perform any of these duties, shall be guilty of a misdemeanor, and on conviction, shall be fined not more than one thousand dollars.

Powers and
duties of com-
missioners.

Penalty for
non-perform-
ance.

SEC. 4. *Be it further enacted,* That any officer of said county failing or refusing to deliver said books, papers, and records to said commissioners when applied for, and fail to afford access to the same, shall be guilty of a misdemeanor, and on conviction, shall be fined not more than one thousand dollars.

Penalty to
officers not
complying.

SEC. 5. *Be it further enacted,* That all said expenses for the public buildings and the removal of the records, books, papers, and furniture shall be allowed by the court of county commissioners by orders on the county treasurer, and if there should not be sufficient funds in

Expenses to
be paid.

the treasury for that purpose, then said court shall levy a special tax on the property of the tax payers of said county, to raise a sufficient amount to pay the same: *Provided*, that any surplus now in the county treasury of said county levied and collected, or to be collected, to build or to buy public buildings in Demopolis, shall first be expended for the above object.

SEC. 6. *Be it further enacted*, That any and all contracts for work on public buildings in Demopolis, and all work thereon, shall cease from the approval of this act, and no payment made for, or by the county, for any work or labor done thereon, from said time.

SEC. 7. *Be it further enacted*, That to aid in raising the funds to carry this act into effect, the said board of commissioners are hereby authorized and empowered to sell at private sale or at public auction, all the property of said county, in the said city of Demopolis, and place the proceeds in the county treasury to aid in paying said expenses; or if said board shall deem it more to the interest of said county, they are hereby authorized to remove such part or parts of said county property as they may think proper to Linden for the use of the county.

SEC. 8. *Be it further enacted*, That an act entitled "An act to remove the county seat of Marengo county, Alabama, from Linden, in said county, to the city of Demopolis, in said county," approved, 4th December, A. D. 1868, be, and the same is hereby repealed.

Approved, December 4, 1869.

No. 4.]

AN ACT

To fix the time of continuance of the circuit court of Coosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit court of Coosa county shall be limited at each term to one week.

SEC. 2. *Be it further enacted*, That all laws contravening the provisions of this act are hereby repealed.

Approved, December 9, 1869.

No. 5.]

AN ACT

To re-establish the county of Colbert.

Be it enacted by the General Assembly of Alabama,
That the ordinance passed November 29th, 1867, by
the State Convention which assembled at Montgomery
on the 5th day of November, 1867, entitled "An Or-
dinance to abolish the new county of Colbert, formed
and established by the last General Assembly," be and
the same is hereby repealed; *Provided*, That the or-
ganization of said county shall not take effect until the
wishes of the citizens of Franklin county shall be ascer-
tained by a vote taken for that purpose, on the 6th day
of January, 1870, in the manner in which elections are
held in this State; the Judge of Probate of said county
giving notice of the same in a newspaper published in
the county, at least two weeks before the said day of
voting. Those voting in favor of reorganizing Colbert
county shall have printed or written on their ticket the
word "Colbert," and those voting against the reorgani-
zation of said county shall have printed or written
on their ticket "No Colbert." The returns of said
voting shall be made by the returning officers of the
respective precincts within ten days thereafter to
the Governor, who shall open and count them in the
presence of the Secretary of State and Auditor, and
should they find a majority of the votes given to be in
favor of the reorganization of Colbert county, then the
Governor shall issue a proclamation announcing that
fact, and thereupon said county of Colbert shall be
organized according to the laws of Alabama in such
cases made and provided.

Approved, December 9, 1869.

No. 6.]

AN ACT

To abolish the City Court of Selma, and to transfer all
the causes therein pending, both civil and criminal,
together with all the dockets, papers and books of
the said City Court, to the Circuit Court of Dallas
county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of* Alabama, That the City Court of Selma, in this State, ^{City court of Selma abolish-} be and the same is hereby abolished. ^{ed.}

SEC. 2. *Be it further enacted,* That the Circuit Court of Dallas county, Alabama, shall have, take and exercise as full and complete jurisdiction of all matters, both civil and criminal, which have been brought in said City Court of Selma, and which may be, in any way, still depending and undetermined in said City Court, as if the said causes or matters had been brought or instituted in the said Circuit Court of Dallas. And no causes, indictments, or other proceedings of any kind shall be discontinued by the abolition of said City Court of Selma, and no rights of any sort are destroyed or taken away by the abolition of the said City Court, but the Circuit Court of Dallas county shall take jurisdiction of all matters which have not been fully and finally disposed of by said City Court, and shall exercise jurisdiction and administer justice in the same manner, and to the same extent, as if such matters or proceedings had been brought to, and were still depending in the said Circuit Court. ^{Jurisdiction transferred to circuit court.} ^{Causes and rights not destroyed.}

SEC. 3. *Be it further enacted,* That all process of any and every kind which has been issued to [from] or made returnable to the said City Court of Selma, shall be returned to, and shall be considered and regarded as returnable to the Circuit Court of Dallas county, in the same manner, and to the same extent as if the same had issued from, and been made returnable to the Circuit Court of Dallas county, Alabama; and all recognizances taken by, or made recognizable by the said City Court, shall be taken and construed, and shall be enforced by the said Circuit Court, as if taken by said Court, or as if they had been made to said Circuit Court. ^{Process returnable to circuit court.} ^{Recognizances}

SEC. 4. *Be it further enacted,* That all the general or special jurisdiction and authority which has been by law conferred upon the City Court of Selma, is hereby transferred to and conferred upon the Circuit Court of Dallas County, Alabama; and the said Circuit Court of Dallas county is hereby authorized and required to take and exercise all the jurisdiction in all the matters in the said City Court, which the City Court could have exercised if still in existence; and shall grant all the relief, enforce all the rights and all ^{All jurisdiction transferred to circuit court} ^{Circuit court to exercise jurisdiction.}

the obligations which the City Court could or should have done if its existence had continued.

SEC. 5. *Be it further enacted*, That it shall be the duty of the clerk of the City Court of Selma to deliver over to the clerk of the Circuit Court of Dallas county, Alabama, all the dockets of the said City Court of every kind, civil and criminal, and all the papers of every kind in all the causes which have been brought in the City Court from its organization to the time of such delivery ; and he shall deliver over to the said clerk of the said Circuit Court all the indictments which have been returned into the said City Court from its organization, together with all the capiases issued, and all the bonds taken in criminal cases, and all other papers connected with any and all criminal causes and proceedings from the organization of said City Court ; and all the records and minutes of the said City Court from the organization thereof to the time of delivery, and all other books or papers which appertain to or belong to the said City Court.

Clerk must deliver dockets

Shall deliver indictments & other papers.

Records and minutes.

SEC. 6. *Be it further enacted*, That the clerk of the Circuit Court shall receive and keep all the dockets, records, minutes, papers, and all other things which appertain to said City Court of Selma ; and the said clerk of the said Circuit Court is hereby vested with authority to do and perform all acts and discharge all duties in regard to said records, dockets and papers so received by him from the clerk of the said City Court, which the said clerk of the said City Court could or might do if the City Court were still in existence ; all the powers of the clerk of the City Court while it existed being hereby conferred on the clerk of the Circuit Court of Dallas county, Alabama.

Clerk of circuit court invested with authority.

Approved, December 11, 1869.

No. 7.]

AN ACT

To open registration on the day of voting provided by an act passed at the present session of this General Assembly, to be held in the county of Franklin, on the 6th day of January, 1870.

SECTION 1. *Be it enacted by the General Assembly of*

Alabama, That the judges of the voting to be held in Franklin county, on the 6th day of January, 1870, pursuant to an act for that purpose, passed at the present session of the General Assembly, shall on said day, at their respective precincts, open lists for the registration of citizens, which lists should be returned, after the close of the polls, to the office of the judge of probate of said county, and all citizens of said county whose names shall be registered in said lists, and also those heretofore registered in accordance with the laws of this State, may vote at said election.

Lists of registration to be opened Jan. 6, 1870.

Lists to be returned.

All registered may vote.

Approved, December 14, 1869.

No. 8.]

AN ACT

For the protection of plantations and crops within certain limits in Lauderdale county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for the county of Lauderdale, are hereby authorized and directed to contract for, and have built and kept up, a public fence, to commence at the mouth of Cypress creek, in said county, on the west side of said creek, extending thence to the Florence road, at A. D. Coffee's, thence with said road, on the south side of the same, to the point where the Waterloo road leaves it; thence down the Waterloo road, on its south side, to such point at or near Wilson Carroll's as the said court may select; thence by the most practicable and suitable route to be selected by said court, to the Tennessee river, at or near the mouth of Bluff creek; *Provided*, That in building said public fence, said court may, if it is deemed expedient, build the same, or any part thereof, on the same line on which the fences in the vicinity of said Florence and Waterloo roads are now located, or may make such other divergence from the line above described, consistent with the objects of this act, as said court may deem expedient; *Provided further*, That gates shall be erected at all points where said fence crosses any public or county roads.

Commissioners to have fence built.

Location of fence.

Gates.

SEC. 2. *Be it further enacted*, That after selecting and designating the particular route or line on which

Commission-
ers to contract
for building.

said public fence shall be built, which said court shall do as early as practicable, the said court of county commissioners shall let out the building of said public fence, and the erection of said gates, for the whole line, or for divisions or parts of the same, as may be deemed expedient, by contract to the lowest bidder or bidders; the said contractors giving such security as said court may require for the completion of the work undertaken, within the time and in the manner required by the contract.

Three super-
visors to be ap-
pointed.

Duties of su-
pervisors.

Duties and
powers of su-
pervisors.

Supervisors
to give orders
on treasurer.

Term of office.

Oath.

SEC. 3. *Be it further enacted*, That after said public fence shall have been built, and for the purpose of keeping up said fence and preserving the same, the said court of county commissioners shall appoint three persons, residents and free-holders of the district of country lying between the Tennessee river and said public fence, as supervisors of the same; whose duty it shall be to have the general superintendence and control of said fence and gates, and to do all things necessary to preserve and keep up the same. The said supervisors shall let out by contract to the lowest bidder or bidders, (giving the preference, if their bids are as low as any other, to the owners of lands on the line of said fence,) the keeping up of said fence and gates, as a whole, or by divisions, for such period as said supervisors may deem expedient, not less than twelve months, nor more than three years; the said contractors giving such security for their undertaking as the supervisors may require. The said supervisors shall thoroughly review said public fence and gates at least once in every quarter, and shall have power, in case any of the contractors suffer the same to get out of order, to have the same repaired, and to deduct the amount expended for such repairs from the sum to which such contractor would be entitled for fulfilling his contract. All sums to which contractors for keeping up said fence and gates shall be entitled upon their contracts, shall be paid to them upon orders drawn by the supervisors on the county treasurer, payable out of the special fund for building and keeping up said fence and gates, as hereinafter provided. The said supervisors shall hold their office for three years, and before entering on the discharge of their duties, shall take an oath to perform, faithfully and impartially, the duties imposed on them by this act. Vacancies in the board of supervisors shall

be filled by the court of county commissioners, and the majority of the board shall be competent to make contracts.

Vacancies;
how filled.

SEC. 4. *Be it further enacted*, That for the purpose of raising the means necessary to build and keep up said public fence and gates, the said court of county commissioners shall ascertain the whole number of acres of land, subject to taxation, within the district of country lying between the Tennessee river and the line on which said public fence is located, and the value of the several tracts according to the last assessment made by the assessor for said county, and shall levy and collect such *ad valorem* tax, not exceeding three-fourths of one per cent., on said lands, as said court shall deem sufficient, to pay all expenses of building said fence and erecting said gates, and any excess that may be collected above the amount required to pay for building said public fence and erecting said gates, shall be applied to keeping up the same. And after the completion of said fence and gates, the said court shall in each year levy on said lands, the value thereof being ascertained by the assessment thereof, made in each year by the assessor for the county, such *ad valorem* tax, not to exceed three-fourths of one per cent., as shall be necessary to pay the expense of preserving and keeping up said public fence and gates; *Provided*, That neither the tax for building said fence and gates, nor the annual taxes for keeping up the same, shall be levied on any lands within said district of country, whose owner or owners shall, on or before the first day of February, 1870, present to said court of county commissioners, and thereafter faithfully keep an agreement or stipulation in writing, whereby such owner or owners relinquish the benefits of this act; and in like manner no such land owner or owners shall be liable to the annual tax for keeping up said fence and gates, who shall, by or before the first of January in such year, present to said court such written agreement or stipulation. But any land holder who has presented such agreement or stipulation, and thereby avoided any of the taxes above provided for, may obtain the benefits of this act, on signifying to said court in writing his desire to do so, and paying into the treasury of the county for the public fence fund, a sum equal to what the said taxes on

Lands to be
taxed.

Maintenance
of fence; how
provided for.

Who may be
exempt from
the tax.

his land would have been if they had been regularly levied and collected, with interest thereon.

Taxes ; how
collected.

SEC. 5. *Be it further enacted*, That the tax for building said public fence, and erecting said gates, shall be collected by the tax collector of said county of Lauderdale, within such time as said court of county commissioners shall direct, and the subsequent annual taxes for keeping up said fence and gates shall be collected at the same time and in the same way as the State and county taxes for such years, and all the provisions made by law for the collection of State and county taxes, and for the sales of property to pay the same, shall apply to the taxes authorized by this act.

Order of
county com-
missioners to
authorize the
collection of
tax.

Probate judge
to furnish list.

SEC. 6. *Be it further enacted*, That the order of said court of county commissioners fixing the rate of tax on said lands, within said district, for the purposes authorized by this act, shall be authority to the tax collector to collect the same, and the probate judge shall deliver in each year to the tax collector a list of the land owners whose lands within said district are not subject to said taxes.

Taxes ; how
deposited and
paid.

SEC. 7. *Be it further enacted*, That the taxes collected under this act shall be deposited with the county treasurer for the said county, and together with all other sums paid into the county treasury under this act shall constitute and be kept as a separate fund, known as the public fence fund, to be appropriated exclusively for building and keeping up said public fence and gates, and shall be paid out, on orders of said court of county commissioners, or said supervisors.

Three exam-
iners to be ap-
pointed.

SEC. 8. *Be it further enacted*, That before accepting said fence and gates, as completed according to contract, said court of county commissioners shall appoint three persons residing in said district, as examiners, to review and examine said fence and gates, and report to said court whether said fence and gates have been built and completed as required by the contract.

Damages to
non-consent-
ing parties.

SEC. 9. *Be it further enacted*, That at any time within two months after receiving notice or information that the line of said public fence as located or designated by said court of county commissioners, passes over his land, any owner of land over which said fence passes, who has not consented thereto in writing, may make application to the court of county commissioners for damages resulting to his land from the building of said

fence on or over the same; and the court must thereupon appoint a jury of five freeholders, who must before acting, be sworn, (one of said jury being competent to administer the oath to the others) truly to inquire and assess such damages, taking into consideration the advantages and disadvantages which will probably result from such fence. Such jury must, after notifying the owner, examine the lands, hear such proof as they may deem necessary, assess the damages and certify the same to the court of county commissioners, which on receiving the report of the jury, may change the route or line of the fence, if deemed expedient, or may accept the assessment as made by the jury, in which case the amount of the same is to be paid by the county treasurer out of the special fund for building and keeping up said fence and gates herein provided for.

Jury to determine.

Commissioners may elect.

Damages; how paid.

SEC. 10. *Be it further enacted*, That the said court of county commissioners may do all acts, and make all orders authorized by this act, at any regular or special term of said court, and if necessary, the probate judge may call special terms of said court, for the performance of any of the duties prescribed by this act.

Commissioners may act at any regular or called meeting

SEC. 11. *Be it further enacted*, That as soon as said fence and gates shall be built and completed, as required by the contract, said court of county commissioners shall cause public notice of the fact to be given by publication in the *Florence Journal*, or in some other newspaper published in Florence, or in the nearest newspaper to the town of Florence, and from and after the date of such notice, it shall not be lawful for the owner of any horse, mule, cow, hog, sheep, or any other animal, to permit such animal to run at large in the district of country lying between the Tennessee river and said public fence; and the owner of such stock, so going at large, shall be liable to the party injured for any damage done by said stock to any lands, or to crops, fruit trees, shrubbery or other property thereon within said district, which are taxed under this act, to be recovered before any court of competent jurisdiction.

Public notice of completion of fence.

Animals not to run at large within certain limits.

SEC. 12. *Be it further enacted*, That when any such damage as is mentioned in the preceding section is done by stock so running at large, the party injured may make complaint thereof, under oath, before any justice of the peace residing in said district, notwithstanding

In case of damage by stock running at large

that the defendant may live in another beat or another county ; and the justice must thereupon issue his warrant immediately, returnable in five days from the date thereof, and if the trespassing stock is described in the complaint, the justice must issue with the warrant, and returnable at the same time, an attachment directing the constable to take into his custody the stock committing the trespass, and safely keep them to await the determination of the suit, and a lien on said trespassing stock for the payment of the damages and costs, shall attach from the date of the warrant ; *Provided*, however, that wherever stock is attached under this act the same may be replevied on giving bond as in attachment suits, as now provided by law ; and that the party against whom the judgment is rendered, shall have the right of appeal as in other civil cases ; and where the damages claimed exceed one hundred dollars, the attachment shall be issued returnable to the circuit court for Lauderdale county, and may be issued by any officer authorized by law to issue attachments returnable to said court ; *Provided further*, That the attachment and lien given by this section shall not exist in favor of persons owning or possessing lands in said district on which the taxes provided by this act are not levied, and such persons shall not recover for damages done by stock on their lands, without proving that the same were enclosed by lawful fences.

Stock may be replevied.

Right of appeal.

Who may not recover.

SEC. 13. *Be it further enacted*, That any person owning or lawfully in possession of lands on which the taxes provided by this act are levied, and on which there is growing or planted, or has been grown during the year, a crop of any kind, or fruit, or shrubbery, shall have the right to take possession of any animal, if found at large, or uncontrolled, on the premises of such person ; and such person or his agent, so taking up such animal, shall forthwith notify the owner of such animal personally, or by leaving written notice at the residence of such owner, or by making within twenty-four hours after taking up such animal, the affidavit hereafter required, before a justice of the peace in said district.

Owners of crops may take possession of stock trespassing.

Proceedings.

SEC. 14. *Be it further enacted*, That if any person taking up any such animal on his premises shall take such animal off his premises, before he shall have notified the owner or his agent personally, or in writing, or have made before a justice of the peace the affidavit

Animals not to be removed.

hereinafter required, he shall be guilty of a misdemeanor, and fined not exceeding two hundred dollars. Penalty.

SEC. 15. *Be it further enacted*, That it shall be the duty of any person taking up stock under this act to make affidavit before the justice of the peace, either that he knows the owner of said stock, and who he is, or that he does not know such owner. And if the former affidavit is made, the justice shall issue a notice to said owner, which shall be served on him or his agent, or left at the residence of such owner or agent, either by the constable, or the taker up, or by some person specially appointed by the justice, as he may determine. And upon application of the owner, or his agent, the justice shall give him an order for his property, he first paying the justice his fees, and the fees hereinafter named for taking up and keeping said stock; *Provided*, That the owner or his agent shall have the right to such order without paying any fees, if he files with the justice an affidavit setting forth any fact showing that the person had no right under this act to take up such animal, but in such case the taker up may sue for said fees for taking up and keeping said stock, and recover the same on proving that he had the right to take up said stock under this act; *Provided further*, That nothing herein contained shall relieve the owner of said stock of the necessity of giving a replevy bond, if the same has been attached under this act. If the taker up makes affidavit that the owner of such stock is not known, then such taker up shall proceed as provided by law in case of estrays, and no fees shall be chargeable by the justice or constable, for the affidavit and serving notice, either to the taker up, or to the owner of the stock. And where the owner is known, if he or his agent do not claim his animal within ten days after receiving notice of the taking up of such stock or animal, the same shall be considered an estray, and the taker up shall proceed in the same manner in relation to such animal as in case of an estray where the owner is unknown. Affidavit. Notice; how served. Owner of animal may regain possession. If not claimed.

SEC. 16. *Be it further enacted*, That for taking up and keeping under this act, the following fees shall be allowed for the use of the person taking up, to-wit: Fees. For taking up each horse, mule or ass, one dollar; for taking up each head of cattle, fifty cents; for taking up each hog, sheep or goat, twenty-five cents; one-half

of the above sums for every day each of said animals is kept by the taker up. The taker up shall not be liable for injuries to animals, or for escapes, except in cases of wilful neglect, or where such damage was intended.

Penalty for
wilfully open-
ing gate or
fence.

SEC. 17. *Be it further enacted*, That any person who negligently, wilfully, or maliciously, opens a gate, or lets down the bars or fence of any enclosure kept for stock in said district of country between the Tennessee river and said public fence, thereby turning out or attempting to turn out the same, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars, nor more than one hundred dollars, and may be imprisoned at the discretion of the court trying the same.

Penalty.

SEC. 18. *Be it further enacted*, That any person who negligently, wilfully or maliciously leaves open, or injures or destroys one of said public gates, or removes, pulls down, injures or destroys any portion of said public fence, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty nor more than five hundred dollars, and may be imprisoned at the discretion of the court trying the same.

Officers to
perform duties

Compensation.

SEC. 19. *Be it further enacted*, That it shall be the duty of the assessor, collector and treasurer of Lauderdale county to perform all the duties of their respective offices, authorized by this act; and they shall enter into bond and security, in such sums as the court of county commissioners may deem sufficient for the performance of their respective duties, and the protection of the special fund herein authorized; and they shall receive the same compensation or per centage for their services that they receive for assessing, collecting and disbursing the county tax, to be paid out of the special fund authorized by this act.

Approved, December 14, 1869.

No. 9.]

AN ACT

For the relief of Samuel Logan and family, of Coosa county.

Be it enacted by the General Assembly of Alabama,
That the court of county commissioners of Coosa county

is hereby authorized and empowered to afford assistance in their discretion to Samuel Logan and family of said county, and the said Logan and family shall be permitted to reside on their own land. County commissioners authorized to extend aid.

Approved, December 15th, 1869.

No. 10.]

AN ACT

To amend the first section of an act approved 25th January, 1867.

Be it enacted by the General Assembly of Alabama,
That the first section of an act, approved 25th day of January, 1867, which is in the words following, to-wit: Section recited
"Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, That the court of county commissioners of the county of Madison be and they are hereby empowered to sell and transfer the dividend stock of said county of Madison in the Memphis and Charleston Railroad Company, or so much thereof as may be necessary for the payment of the indebtedness of said county now due and outstanding," be amended by adding after the words "now due and outstanding" in the last line of the said section, the following words: "or any indebtedness of said county which may hereafter become due and payable;" and by striking out the word "dividend" in said section, so that said section shall read as follows: Amendment.
"That the court of county commissioners of the county of Madison be and they are hereby empowered to sell and transfer the stock of said county of Madison in the Memphis and Charleston Railroad company, or so much thereof as may be necessary for the payment of the indebtedness of said county now due and outstanding, or any indebtedness of said county which may hereafter become due and payable."

Approved, December 15th, 1869.

No. 11.]

AN ACT

To add a part of Baker county to Dallas county.

Territory
transferred.

Be it enacted by the General Assembly of Alabama,
That that portion of Baker county, beginning at the southwest corner of township (20) twenty range (11) eleven, thence north on the range line to township line between twenty (20), and twenty-one (21), thence due east along said township line to the Big Mulberry creek, thence down said Big Mulberry creek south, to the township line between (19) nineteen and (20) twenty, thence west to the beginning, be and the same is hereby attached to Dallas county.

Approved, December 15, 1869.

No. 12.]

AN ACT

To attach a part of Autauga to Baker county.

A portion of
Autauga at-
tached to Ba-
ker.

Be it enacted by the General Assembly of Alabama,
That the north one-half of township (20) twenty, range (14) fourteen, and north one-half of township (20) twenty, range (15) fifteen, and north one-half of township (20) twenty, range (16) sixteen, now a part of Autauga, be and the same are hereby attached to, and made a part of Baker county.

Approved, December 15, 1869.

No. 13.]

AN ACT

Fixing the time of holding the courts in the fifth judicial circuit.

Be it enacted by the General Assembly of Alabama,
That the courts in the fifth judicial circuit shall be held as follows, viz :

Blount.

In the county of Blount on the first Mondays of March and September, and may continue one week.

DeKalb.

In the county of DeKalb on the third Mondays of March and September, and may continue two weeks.

In the county of Jackson on the first Monday after the fourth Monday in March and September, and may continue two weeks. Jackson.

In the county of Madison on the fourth Monday after the fourth Monday in March and September, and may continue until the business is disposed of. Madison.

Approved, December 15, 1869.

No. 14.]

AN ACT

To provide for the proper and equitable distribution of stock in the Mobile and Girard Railroad among the tax payers of the town of Troy.

Be it enacted by the General Assembly of Alabama, That when the bonds to the amount of \$65,000 00, issued by the town of Troy for the extension of the Mobile and Girard Railroad to said town shall have been paid, then the stock in said road, taken by said town, shall be transferred by the corporate authorities of said town to the persons, their heirs, representatives or assigns, in proportion to the amount of taxes paid by each for the redemption of said bonds. Stock to be transferred to tax payers.

Approved, December 15, 1869.

No. 15.]

AN ACT

To give the probate court of Montgomery county jurisdiction over the estate of James C. Ray, deceased.

Be it enacted by the General Assembly of Alabama, That the probate court of Montgomery county shall have jurisdiction to grant letters of administration on the estate of James C. Ray, deceased, late of Macon county, and to proceed in the administration and settlement of said estate, in all respects as if the said James C. Ray had been a citizen of the county of Montgomery at the time of his death. Probate court of Montgomery to have jurisdiction.

Approved, December 15, 1869.

No. 16.]

AN ACT

Declaring the effect of decrees in chancery upon proceedings for partition.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all partitions made under, and by virtue of proceedings in chancery, shall be firm and effectual forever; and that the final decree of the court of chancery, for, or upon the petition, shall be binding and conclusive, as absolutely as if mutual releases were executed.

Partitions to
be perpetual.

SEC. 2. Be it further enacted, That the final decree of a court of chancery, upon the petition, shall vest titles in the persons to whom the shares are allotted, in as full and ample a manner as if each had conveyed to the other; *Provided, however,* That the right of appeal, upon decree for partition, shall exist as in other cases.

Decrees to
invest title.

Right of ap-
peal.

Approved, December 15, 1869.

No 17]

AN ACT

To re-enact and put in force certain laws in relation to the incorporation of the town of Troy.

Be it enacted by the General Assembly of Alabama, That all laws and parts of laws incorporating the town of Troy, in Pike county, not repugnant to the constitution and laws of the State of Alabama be, and the same are hereby re-enacted, and put in full force and effect.

Laws re-en-
acted.

Approved, December 15, 1869.

No. 18.]

AN ACT

To authorize the Southern Life Assurance and Trust company of Mobile, Alabama, to cease business, to liquidate its affairs, to realize its assets, and to distribute its assets remaining after the payment of its debts among its stockholders.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the President and trustees of the Southern Life Assurance and Trust company of Mobile, shall have power to liquidate the business and affairs of said corporation, to pay its debts, and to distribute its remaining assets among its stockholders. May close its business.

SEC. 2. *Be it further enacted,* That upon satisfactory evidence being furnished to the Governor of this State, that the policies of insurance issued by said corporation have been cancelled, or its policy holders safely provided for by re-insurance in some solvent life insurance company in the United States, and that said Southern Life Assurance and Trust company of Mobile is under no liabilities for annuities or trusts, and that said corporation has ceased to take risks and has gone into liquidation, then the Governor shall certify that such evidence has been furnished, and thereupon the State Treasurer shall deliver up to said company the State bonds or certificates deposited with said Treasurer by said company, and said Treasurer upon such delivery, shall take the receipt of the President of said company therefor. On certain evidence being furnished the Governor, the treasurer shall surrender securities.

Approved, December 16, 1869.

No. 19.]

AN ACT

To incorporate the Greensboro Fire Company No. 1, of Greensboro, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That L. J. Lawson, R. H. Jackson, George Breitenback, E. T. Hutchinson, T. J. Seay, A. H. Benners, and their associates and successors be, and Corporators of Greensboro Fire Company.

Powers.

hereby are declared and constituted a body corporate by the name and style of the "Greensboro Fire Company No. 1, of the town of Greensboro, Alabama," and by that name and style may sue and be sued, plead and be impleaded, answer and be answered, in any court of law and equity in this State, and may have and use a common seal, and altar and amend the same at pleasure; may have and hold real and personal property to the amount of ten thousand dollars, and may sell and transfer the same at pleasure, and shall be entitled to one hundred and twenty members.

May hold property.

Exemption of members.

SEC. 2. *Be it further enacted*, That the members of said company and body corporate be, and they are hereby exempted from jury, militia, road and street duty.

May enact laws and rules.

SEC. 3. *Be it further enacted*, That the company may enact such rules and by-laws for its own government as the members think proper, provided they are not contrary to the constitution of the United States and the State of Alabama, and may alter or change the same at pleasure.

General privilege.

SEC. 4. *Be it further enacted*, That said company shall be allowed to exercise all privileges legitimately belonging to fire companies.

Approved, December 16, 1869.

No. 20.]

AN ACT

To authorize the Auditor of Public Accounts to issue duplicate warrants.

Auditor may issue duplicate warrants.

Be it enacted by the General Assembly of Alabama, That the Auditor of Public Accounts be, and he is hereby empowered to issue duplicate warrants upon the Treasury of the State, whenever he is satisfied by competent proof that the original warrant has been destroyed or lost; and the party holding such duplicate warrant shall have the same right as if he held the original warrant; and the Treasurer is authorized to pay such warrant.

SEC. 2. *Be it further enacted*, That if any person shall fraudulently obtain any duplicate warrant as

above provided, they shall be punished as in cases of larceny. Penalty for fraudulently obtaining duplicate.

Approved, December 16, 1869.

No. 21.]

AN ACT

To repeal an act entitled an act to empower the Governor to appoint a Judge of the County Court of Calhoun county, approved November 24th, 1868.

Be it enacted by the General Assembly of Alabama, Act repealed.
That the act entitled "An Act to empower the Governor to appoint a Judge of the County Court of Calhoun county," approved November 24th, 1868, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That all papers, records, books, documents, and things pertaining to said county court shall be transferred to the Circuit Court of Calhoun county, within twenty days after the passage of this act, and the receipt of the clerk of said Circuit Court be taken therefor. Papers, &c., transferred to circuit court.

Approved, December 16, 1869.

No. 22.]

AN ACT

Making Appropriations for the fiscal year ending September 30, 1870.

Be it enacted by the General Assembly of Alabama, That the following sums of money be, and the same are hereby appropriated, for the purposes hereinafter specified, to be paid out of any money in the Treasury not otherwise appropriated, for the fiscal year ending on the 30th day of September, A. D., 1870: Appropriations.

EXECUTIVE DEPARTMENT.

For the payment of the Governor's salary, four thousand dollars.

For the payment of the salary of the Lieutenant Governor, one thousand five hundred dollars.

For the payment of the salary of the Secretary of State, two thousand and four hundred dollars.

For the payment of the salary of the Auditor, two thousand and four hundred dollars.

For the payment of the salary of the Treasurer, two thousand and eight hundred dollars.

For the payment of the salary of the Attorney-General, two thousand and eight hundred dollars.

For the payment of the salary of the Superintendent of Public Instruction, three thousand and six hundred dollars.

For the payment of the salary of the Commissioner of Industrial Resources, two thousand and five hundred dollars.

For the payment of the salary of the Governor's Private Secretary, one thousand and five hundred dollars.

For compensation of the Governor's Recording Secretary, one thousand dollars.

For compensation of the clerk in Auditor's office, one thousand and five hundred dollars.

For compensation of the clerk in the office of the Commissioner of Industrial Resources, one thousand dollars.

For compensation of the keeper of the State Capitol, one hundred and fifty dollars.

JUDICIAL DEPARTMENT.

For the payment of the salaries of three Judges of the Supreme Court, four thousand dollars each.

For the payment of the salaries of Chancellors and Judges of the Circuit Court, three thousand dollars each.

For the payment of the salaries of the Marshal and Librarian, two thousand dollars.

For the payment of the salary of the Reporter of the the Decisions of the Supreme Court, two thousand dollars.

LEGISLATIVE DEPARTMENT.

For the payment of the per diem and mileage of Senators and Representatives of the General Assembly, and compensation of the officers, clerks, and employees

of the Senate and House of Representatives, forty-five thousand dollars, or so much as may be necessary at the rates provided by law.

For the payment of the per diem and milage and incidental expenses of the Board of Education, three thousand dollars, or so much as may be necessary.

For the payment of the per diem and mileage of the Board of Regents, three thousand dollars, or so much as may be necessary.

For the compensation of the Secretary of the Senate and Clerk of the House of Representatives, for completing the journals of the Senate and House of Representatives, and arranging their papers for file, two hundred and fifty dollars each.

For watchmen and messengers, four thousand dollars, or so much thereof as may be necessary.

FOR PUBLIC SCHOOL PURPOSES.

One hundred and thirty-seven thousand two hundred and ninety dollars and twenty cents, being the one-fifth of the aggregate revenue received during the fiscal year ending September 30th, 1869.

To the Educational fund for the ensuing scholastic year, sixty thousand nine hundred and three dollars, being the amount of the poll-tax for the fiscal year ending September 30th, 1869.

INCIDENTAL EXPENSES.

There is hereby appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary, to be paid upon the Governor's order, as provided by law, for the purpose of defraying the incidental and contingent expenses of the Government.

For distributing the acts of the present session of the General Assembly and the journals of the Senate and House of Representatives, six hundred dollars.

Approved, December 16, 1869.

No. 23.]

AN ACT

To authorize John R. Mott, a citizen of the State of Georgia, to qualify as executor of the estate of James A. Chapman, deceased.

John R. Mott
entitled to ad-
minister.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Probate Judge, of Russell county be, and he is hereby authorized to grant letters testamentary upon the estate of James A. Chapman, deceased, to John R. Mott, a citizen of the State of Georgia.

SEC. 2. *Be it further enacted*, That the said John R. Mott, upon receiving letters testamentary, as provided for in the first section of this act, shall be authorized to administer said estate in all respects as if he were a citizen of this State.

Approved, December 16, 1869.

No. 24.]

AN ACT

For the relief of W. C. Thorn, of Franklin county, Alabama.

County com-
missioners may
grant annual
relief.

Be it enacted by the General Assembly of Alabama, That the Commissioners of the county of Franklin, are hereby authorized from and after the passage of this act, to appropriate to the use and for the express benefit of W. C. Thorn and family, out of any money in the county treasury, not otherwise appropriated, the sum of eighty or one hundred dollars, annually, as the necessities of W. C. Thorn and family demand.

Proffered
claim.

May be discon-
tinued when
necessary.

SEC. 2. *Be it further enacted*, That when an appropriation is made by the commissioners of Franklin county for the benefit of W. C. Thorn and family, the order issued by the said Commissioners for said appropriation shall constitute a preference claim; *Provided*, That when in the judgment of the court of county commissioners it shall become necessary, this appropriation shall be discontinued.

Approved, January 15, 1870.

No. 25.]

AN ACT

To authorize an election to be held in Dale county, for the permanent location of the county seat of said county.

Be it enacted by the General Assembly of Alabama, That the people of the county of Dale shall be allowed to select a permanent county seat for said county, by vote, as provided in this act. People of Dale to elect county seat.

SEC. 2. *Be it further enacted,* That the vote on the question may be held at all the precincts in said county of Dale. Election at each precinct.

SEC. 3. *Be it further enacted,* That every man who is twenty-one (21) years of age, and shall have resided in said county six months, shall be a qualified voter at such election. Qualified voters.

SEC. 4. *Be it further enacted,* That the election shall be held on the third (3d) Monday in January next. The sheriff shall designate managers to conduct said election, and to make returns thereof to him within three (3) days. Upon each ballot shall be written or printed the name of the place voted for. Election ; when and how held.

SEC. 5. *Be it further enacted,* That the county commissioners shall have power to put in nomination as many places in said county, for the county seat, as they may deem right and proper, and such places only shall be voted for at such election for the county seat, and the place receiving the highest number of votes shall be the permanent county seat of said county of Dale. Places to be nominated.

SEC. 6. *Be it further enacted,* That upon the returns being made to the sheriff of the vote on the question, it shall be the duty of the sheriff and commissioners. or a majority of them, in the presence of the judge of probate, or the clerk of circuit court, to estimate the vote, and declare the result of the election. Result; how determined.

SEC. 7. *Be it further enacted,* That so soon as the result is known, the court of county commissioners shall make an order and spread it upon the minutes of their court, that the place elected is the permanent county seat of Dale county, and shall secure a building for the safe keeping of the books, records, papers and property belonging to the several county officers, and to which place all the county officers shall remove and keep said books, records, papers and property ; and said court of Duties of county commissioners. Records, &c.

county commissioners shall have full power to receive as donations from any person or persons, lands, money, and other property or valuable effects, and shall also have power to sell and dispose of the same, to aid in the building of a good court house, and safe jail, for said county, and to erect the same as soon as practicable ; and to let the building in such manner as they may deem best. Said court shall also have full power to levy on the property of the county such an amount of taxes as may be found necessary, to make complete payment for the public buildings and all incidental expenses, and to fix the compensation for all officers rendering service at and about the same, and shall have power to prescribe the time and manner of the collection of such taxes.

Powers of
commissioners

May provide
public build-
ings.

May levy tax.

Penalty for
violating act.

Contravening
laws repealed.

SEC. 8. *Be it further enacted*, That any county officer who violates any of the provisions, restrictions or requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five hundred dollars, and shall also be removed from office.

SEC. 9. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, are, as to Dale county, hereby repealed.

Approved, January 13, 1870.

No. 26.]

AN ACT

To regulate the carriage of passengers on Street Railroads in the city and county of Mobile.

Be it enacted by the General Assembly of Alabama, That any person who shall, within the city and county of Mobile, exclude any other person or persons from any car of any railroads within said city or county, or any person who shall compel any other person or persons to occupy any seats on the outside, or on the platform of said cars, shall, for the first offense against any person, be deemed guilty of a misdemeanor, and shall be fined in a sum not exceeding one hundred dollars ; and for the second offense against the same person, shall be fined not exceeding two hundred dollars, and for every subsequent offense shall be subject to a fine of

Exclusion
from cars pro-
hibited.

Penalty for
violation.

five hundred dollars ; said fines to be imposed by indictment in the circuit or city court of Mobile county, one half to the informers, the other half to the treasury of the county of Mobile; *Provided*, That this act is cumulative, and shall not be so construed as to debar the right of damages by the party injured; *Provided further*, That this act shall not be so construed as to prevent the proper authorities from excluding any person or persons who may be intoxicated or otherwise disorderly.

Fines; how appropriated.

Right to damages preserved

Approved, January 17, 1870.

No. 27.]

AN ACT

To confirm the action of the Municipal authorities of the city of Mobile, in reference to the Mobile and Alabama Grand Trunk Railroad.

Be it enacted by the General Assembly of Alabama, That an ordinance entitled, "An ordinance to aid in the construction of the Mobile and Alabama Grand Trunk Railroad," with the amendments thereto, adopted by the corporate authorities of the city of Mobile, and approved by the Mayor, June the 25th, 1869, together with the contract made by the city authorities of Mobile, with the said Mobile and Alabama Grand Trunk Railroad Company, under the provisions of said ordinance, be, and the same are hereby approved and made legal and binding upon said city. And said corporate authorities are hereby invested with full power and authority to aid in the construction of said railroad by the issue and delivery of its bonds as provided in said ordinance and contract.

City ordinances affirmed.

Contract approved.

Powers of city authorities.

SEC. 2. *Be it further enacted*, That the corporate authorities of said city of Mobile, shall have, and they are hereby invested with power and authority, to adopt such ordinances, by-laws and resolutions, and to provide such ways and means, and to do such acts as shall be necessary or proper for the full execution and performance of the said contract, so made with said railroad company.

General powers.

SEC. 3. *Be it further enacted*, That all laws and parts

Conflicting laws repealed. of laws inconsistent with, and contrary to this act, be, and the same are hereby repealed.

Approved, January 17, 1870.

No. 28.]

AN ACT

To fix the time of holding Courts in the fourth Judicial Circuit.

Be it enacted by the General Assembly of Alabama, That the courts of the fourth judicial circuit shall be held as follows, viz :

Lawrence. In the county of Lawrence, on the first Mondays of March and September, and may continue two weeks.

Franklin. In the county of Franklin, on the third Mondays of March and September, and may continue two weeks.

Lauderdale. In the county of Lauderdale, on the first Mondays after the fourth Mondays of March and September, and may continue two weeks.

Limestone. In the county of Limestone, on the third Mondays after the fourth Mondays of March and September, and may continue two weeks.

Morgan. In the county of Morgan, on the fifth Mondays after the fourth Mondays in March and September, and may continue one week.

SEC. 2. *Be it further enacted,* That all laws and parts Conflicting of laws in conflict with the provisions of this act, be, laws repealed. and the same are hereby repealed.

Approved, January 18, 1870.

No. 29.]

AN ACT

To repeal an act entitled "An Act to establish the City Court of Huntsville.

Act repealed. *Be it enacted by the General Assembly of Alabama,* That the act entitled "An Act to establish the city court of Huntsville," approved the (30th) thirtieth day of December, 1868, be, and the same is hereby repealed.

Civil causes transferred to circuit court. SEC. 2. *Be it further enacted,* That all civil causes now pending in said court are hereby transferred to the cir-

cuit court of Madison county, to be disposed of as other cases of a like kind now pending in said circuit court, and it is hereby made the duty of the clerk of the said city court to remove the papers, records and books pertaining to said city court, or pending therein to the said circuit court, and the clerk of said circuit court shall place the causes pending in said city court upon the dockets of the said circuit court, in the same manner and under the same regulations as causes of the like kind are required by law to be placed on the dockets of said circuit court.

SEC. 3. *Be it further enacted*, That all writs, bonds and papers of every kind, now filed in or returnable to said city court, shall have the same effect and force when returned and removed to said circuit court, that they would have, if they had been originally returned to said circuit court, and all judgments and executions of said city court, shall have in the said circuit court such force and effect as if the judgments had been rendered by, and the executions issued from the said circuit court.

SEC. 4. *Be it further enacted*, That the former judge of said city court, Wm. H. Moore, is hereby authorized to draw his order upon the treasurer of the county of Madison, for any unpaid balance that may be due him on account of his salary up to the passage of this act; and it is hereby made the duty of the said county treasurer to pay to said Moore as herein provided out of any moneys in the treasury of said county, the amount due him on account of his said salary.

Approved, January 20th, 1870.

No. 30.]

AN ACT

To annex Sanford county to the third judicial circuit, and to fix the time for holding circuit court in the counties of Sanford, Marion, Winston and Walker.

Be it enacted by the General Assembly of Alabama, That the county of Sanford be annexed to the third judicial circuit, and that the circuit courts for said county be held at Vernon on the first Monday after the fourth

Duty of clerk.

All papers, writs, &c., returnable to circuit court.

Judgments and executions

Judge may draw order on treasurer of Madison co.

Sanford.

Monday in March and September, and may continue one week.

Marion. SEC. 2. *Be it further enacted,* That the circuit courts in Marion county be held on the second Monday after the fourth Mondays in March and September, and may continue one week.

Winston. In the county of Winston, on the third Monday after the fourth Monday in March and September, and may continue one week.

Walker. In the county of Walker, on the fourth Monday after the fourth Mondays in March and September, and may continue one week.

SEC. 3. *Be it further enacted,* That all laws and parts of laws that contravene the provisions of this act, be, and the same are hereby repealed.

Approved, January 20, 1870.

No. 31.]

AN ACT

To provide the officers of Public Instruction a room in the court house for the transaction of their official business.

Be it enacted by the General Assembly of Alabama,
County commissioners to provide room in court house. That the county commissioners of each county shall be authorized and required to furnish to the county superintendent of education, the school commissioners, or other officers of public instruction, the grand jury room, when not used by the grand jury, or other suitable room in the court house, when the same may be needed, for the transaction of their official business; *Provided,* such rooms are under the control of the county.

To take effect from date of passage. SEC. 2. *Be it further enacted,* That this act shall take effect from and after the day of its passage.

Approved, January 20th, 1870.

No. 32.]

AN ACT

For the relief of Wm. G. Garrett, of Talladega county,
and Willis B. Walker, of Choctaw county.

Be it enacted by the General Assembly of Alabama,
That Wm. G. Garrett, of the county of Talladega, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contracted with; to receive and take possession of his estate, and if necessary give receipts and acquittances therefor; to purchase and convey real and personal estate; and to do all things as fully and to all intents and purposes as effectively as though he was twenty-one years of age.

Wm. G. Garrett relieved from disabilities of non-age

SEC. 2: *Be it further enacted,* That the provisions of W. B. Walker. this act shall apply to Willis B. Walker, of Choctaw county.

Approved, January 20, 1870.

No. 33.]

AN ACT

For the relief of John B. Boddie, of Marengo.

Be it enacted by the General Assembly of Alabama,
That John B. Boddie, of the county of Marengo, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary, to give receipts and acquittances therefor; to purchase and convey real and personal estate, and to do all things as fully, and to all intents and purposes as effectively as though he was twenty-one years of age.

Relieved from disabilities of non-age.

Approved, January 20, 1870.

No. 34.]

AN ACT

To incorporate the town of Scottsboro, in the county of Jackson.

Be it enacted by the General Assembly of Alabama,
That the town of Scottsboro, in the county of Jackson, be, and the same is hereby incorporated, and that the

Town of Scottsboro' incorporated.

Corporate
limits.

corporate limits of said town shall be as follows, viz: To commence at the crossing on the M. and C. Railroad, first east of Orin Hill's; thence west along the base of the mountain to the house owned by Mrs. Jane Phillips, so as to include the same; thence to and through the lane on the east of the Cobb farm, one half mile; thence to the residence of Mrs. Scott, so as to include the same; thence to the residence of G. O. Campbell, so as to include the same; thence north to the railroad at M. P. Brown's, so as to include his residence; thence west along the railroad to the point of beginning.

Elections
when held.

SEC. 2. *Be it further enacted*, That on the first Monday in February, one thousand eight hundred and seventy, and on the same day in each and every year thereafter, an election for mayor and four councilmen, who shall be resident citizens, shall be held by a magistrate and two citizens, at some convenient and public place in said town; and all subsequent elections shall be held by the mayor and two councilmen, who shall serve for the term of one year thereafter, and until their successors are elected and qualified. The said mayor and councilmen shall be, and are hereby constituted a body corporate, by the name and style of "The corporate authorities of the town of Scottsboro," and by that name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits, either in law or equity; also, to keep and have a common seal, or to break or change the same at pleasure; to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property, to the amount of ten thousand dollars, and in general, to do all the acts incident to bodies corporate.

Body corpo-
rate.

Duty of Mayor

SEC. 3. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at all meetings of the council, and in case of his absence or incapacity, any of the council may be chosen to preside. The mayor shall be invested with the jurisdiction and powers, and shall perform the duties of justices of the peace in Jackson county, and shall be subject to the same penalties and liabilities.

Powers.

Powers of
corporation.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to ordain or pass all such ordinances, by-laws and resolutions, and make all such regulations, as may by them be deemed necessary for

the good government of said town, which may extend to the preservation of health; to prevent and remove nuisances; to license, tax and restrain theatrical amusements, shows and museums of all kinds whatever, within said corporation; to restrain and prohibit every species of gambling, drunkenness, profane swearing or obscene language, assaults and batteries, and all other breaches of the peace; to appoint night watches and patrol when necessary; to clean and keep in repair the streets of said town, and prohibit trespasses on the same; to collect taxes on all property, both real and personal, and to sell real estate for the payment of said taxes, in the same manner prescribed by the Code of Alabama, for the sale of real estate for the payment of taxes due the State, within said corporation, for defraying the expenses of the same; to grant licenses to retailers of spirituous or vinous liquors, and regulate and restrain them when deemed a nuisance; to grant licenses to, and tax merchants and auctioneers, lawyers, physicians, dentists, daguerrean artists, keepers of stations and hotels; to levy the same tax on itinerant or transient merchants, dentists and physicians, who remain in said corporation less than one year, as is levied on permanent merchants, dentists or physicians, which tax shall be sued for and collected at any time the corporate authorities may direct; to prevent the introduction of contagious or infectious diseases within the town; to restrain and prohibit all meeting of disorderly persons; and in general, to pass such by-laws, not contrary to the Constitution of this State and the laws of the same, as are necessary to carry into effect the intent and meaning of this act; and to execute and revoke or alter the same. The said corporate authorities shall have power to appoint a treasurer, assessor, collector and marshal, and such other subordinate officers as they may think necessary; and by ordinance require securities for the several officers so appointed, and annex such fees to the several offices, not exceeding fifty dollars per month, as they shall deem necessary. They are hereby also empowered to impose such fine or fines, not exceeding fifty dollars, for any breach of their by-laws, as they may deem proper; and all fines by them imposed, shall be sued for in the name of the corporation, before any Justice of the Peace; and the money so recovered shall be paid to the treasurer for the benefit of said town.

May appoint
officers.

Fines ; how collected. SEC. 5. *Be it further enacted,* That when a fine or fines shall be imposed upon any person or persons for any breach of the ordinances or by-laws of said town, the Mayor or any of the Councilmen shall immediately issue a warrant to the marshal, requiring him to detain such offender in custody till the fine or fines and costs imposed upon him are paid.

Marshal. SEC. 6. *Be it further enacted,* That the marshal appointed under the provisions of this act, shall give bond with sufficient and approved security, in such an amount as shall be determined by the corporate authorities for the faithful performance of his duty, which bond shall be filed in the office of the clerk of the Circuit Court of Jackson county ; the said marshal shall exercise the powers, discharge the duties, and be subject to the liabilities of any constable in said county.

Powers. SEC. 7. *Be it further enacted,* That when vacancies occur in the board of Councilmen, by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added, shall continue in office until the succeeding annual election.

Vacancies ; how filled. SEC. 8. *Be it further enacted,* That in every election to be holden by the qualified electors of the town of Scottsboro, for mayor and councilmen, there shall be elected a mayor and four councilmen ; the person receiving the highest number of votes for mayor shall be declared elected ; and the four persons receiving the largest number of votes for councilmen shall be declared elected. Notice of such election shall be published at least ten days next preceding the day of election ; and the said election shall be conducted by the mayor and two councilmen, and should the election not take place on the day fixed for the annual election for mayor and councilmen, it shall be the duty of the corporate authorities to fix some other day, as early as convenient within one month thereafter ; on which day an election shall be held for mayor and councilmen, as prescribed in this section.

Elections ; how conducted and result. SEC. 9. *Be it further enacted,* That in case of vacancy in the office of mayor, it shall be the duty of the councilmen to order an election at as early a day as is convenient, within one month, to fill such vacancy ; said election shall be holden as prescribed in the preceding section of this act.

Vacancy in office of mayor ; how filled. SEC. 10. *Be it further enacted,* That the mayor at

councilmen elected under the provisions of this act, shall severally, before entering upon their official duties, take the oath of office prescribed by the constitution of this State, before some officer qualified to administer the same, which oath shall be filed in the office of the probate judge of Jackson county. Oath of office.

SEC. 11. *Be it further enacted*, That the corporate authorities of the town of Scottsboro, shall appoint a clerk, whose duty it shall be to keep a record of their proceedings, and publish the same, and all ordinances and by-laws in some newspaper, or at three public places in said town. Clerk.

SEC. 12. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed. Contravening laws repealed.

SEC. 13. *Be it further enacted*, That the inhabitants of Scottsboro, within the corporate boundaries of said town, shall be exempt from working on public roads and highways out of the corporation, but the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town. Public roads and highways.

Approved, January 20, 1870.

No. 35.]

AN ACT

To authorize the administrators of the estate of Gottlieb Breitling, deceased, to compromise debts due said estate.

Be it enacted by the General Assembly of Alabama, That the administrators of the estate of Gottlieb Breitling, deceased, be, and they are hereby authorized, where said estate has owing to it debts of a bad or doubtful character, to compromise with the parties owing the same, in the manner which shall be in their judgment most conducive to the interest of said estate. Authorized to compromise debts.

SEC. 2. *Be it further enacted*, That said administrators shall report the terms of such compromise, within sixty days after making the same, to the probate court of Marengo county. Must report to probate judge.

Approved, January 20th, 1870.

No. 36.]

AN ACT

For the relief of John S. Baugh, of the county of Lee,
Alabama.

Disabilities
of non-age re-
moved.

Be it enacted by the General Assembly of Alabama,
That John S. Baugh, of the county of Lee, a minor, under the age of twenty-one years, be, and he is hereby empowered to contract and enter into engagements and agreements, and is also authorized to sue, and is made liable to be sued in the same manner and to the same extent, as if he were of the full age of twenty-one years; and also, to make full settlement with his administrator, executor or guardian.

Approved, January 20, 1870.

No. 37.]

AN ACT

For the relief of the poor of Coosa county.

Commission-
ers court to
make estimate

Clerk must
certify.

Treasurer to
set apart the
amount.

Be it enacted by the General Assembly of Alabama,
That it shall be the duty of the commissioners' court of Coosa county, to make an estimate of the cost of supporting the poor of said county, living at the house for poor, or at the public charge, as soon as may be, after the passage of this act, for the ensuing three months, and at each regular term of said court thereafter, which shall be certified by the clerk of said county. The county treasurer, who shall thereupon file said certificate in his office, and said treasurer thereupon set apart that amount as a special fund out of which it shall be his duty to pay claims allowed by the commissioners of said county for supporting the poor.

Approved, January 20, 1870.

No. 38.]

AN ACT

Making an appropriation to pay for safe in Treasurer's office.

Be it enacted by the General Assembly of Alabama,

That the sum of two thousand two hundred and forty dollars, be, and the same is hereby appropriated to pay the claim of Marvin and company for safe furnished the State for the use of the State Treasurer. Appropriation for safe.

SEC. 2. *Be it further enacted*, That the sum of four hundred and seventy-five dollars, be, and the same is hereby appropriated, for the purpose of furnishing iron doors for the vault in the office of the State Treasurer. For iron doors.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved, January 20, 1870.

No. 39.]

AN ACT

For the relief of Laura E. Lanier, of Pickens county,

Be it enacted by the General Assembly of Alabama, That Laura E. Lanier, a minor, of the county of Pickens, be, and she is authorized to manage and transact all business connected with her estate, and that all contracts which she shall make after the passage of this act, shall be legal and binding, and of as full effect, as though she were twenty-one years of age; and she is hereby fully authorized to settle with her guardian and trustee, Thomas C. Lanier, and receive all property and effects coming to her from her guardian and trustee, as though she were twenty-one years of age. Disabilities of non-age removed.

Approved, January 20, 1870.

No. 40.]

AN ACT

To legalize and make valid the acts of the corporate authorities of the town of Troy, in subscribing to the capital stock of the Mobile and Girard Railroad, and issuing bonds for the payment thereof.

Be it enacted by the General Assembly of Alabama, That all the acts and doings of U. L. Jones, J. R. Goldthwaite, Wm. H. Riggs, H. S. Urquehart and Joel D. Murphree, as intendant and councilmen of the town of Troy, in relation to subscribing sixty-five thousand dol- Acts legalized.

lars to the capital stock of the Mobile and Girard Railroad, for the extension of the same to the said town of Troy, and issuing bonds of said town to the same amount, for the payment thereof, are hereby legalized and made valid.

Approved, January 20, 1870.

No. 41.]

AN ACT

To repeal a special act, approved February 23, 1866.

Be it enacted by the General Assembly of Alabama, That sections 1 and 2 of an act to increase the pay of commissioners of roads and revenue, and jurors for the counties of Covington and Coosa, which read as follows: "Section 1. That the commissioners of roads and Revenue, grand and petit jurors of the counties of Covington and Coosa be and they are hereby allowed each three dollars per day in lieu of the pay now allowed by law. Section 2. That the other civil officers of the counties of Covington and Coosa be and they are hereby allowed fifty per centum in addition to the fees established by the Code of Alabama, for the various duties performed in their respective offices," be, and the same are hereby repealed.

Approved, January 20, 1870.

No. 42.]

AN ACT

To regulate the time of holding the Chancery Court for the fourth district of the Northern Division.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, there shall be a term of the chancery court held for the fourth district, northern division of chancery, to commence on the third Monday in December, in each year, and may hold for four days, in addition to the term commencing on the fourth Monday in May of each year.

Approved, January 20, 1870.

Additional
term of chan-
cery court in
4th district.

No. 43.]

AN ACT

To ratify, approve and adopt as the law of this State, certain acts of the military authorities of the United States.

Be it enacted by the General Assembly of Alabama, That in all indictable cases, when it shall be made to appear to the court in which the case is to be tried, that the matters involved were regularly heard and disposed of by any regularly constituted military commission, known to and recognized by the laws of the United States, or when any person charged with an indictable offense may have been discharged by the order of any commanding officer of the military forces of the United States, regularly authorized by the laws of the United States, to investigate and determine upon the guilt or innocence of the party accused, during the time that the county where the offense is charged to have been committed was occupied by the military forces of the United States, it shall be good and sufficient defense to the party accused, in any court in this State, having jurisdiction in the case, when pleaded as a former acquittal or conviction, and proved as in other cases of former acquittal or conviction; *Provided*, That the certificate of the officer of the army of the United States, who tried the case, that the defendant was duly acquitted, if sworn to by said officer before a judge of a court of record in any State of the United States, shall be sufficient evidence of such trial and acquittal, if the military record in such cases cannot be obtained; *And, provided further*, That when the original order cannot be obtained, an authenticated copy of the order of the commanding officer of the military forces of the United States, who issued or caused the order to be issued, shall be taken by the court as evidence of the issuance and existence of such order; *And, provided further*, That when the original order of acquittal cannot be obtained, nor an authenticated copy of the same provided, parol evidence thereof may be given to establish the fact of trial and acquittal, or conviction.

Acts of military commission legalized.

Proviso.

Evidence as to acquittal or conviction; how procured.

Approved, January 20, 1870.

No. 44.]

AN ACT

For the relief of Andrew D. McComb, of Randolph county.

Be it enacted by the General Assembly of Alabama,
That Andrew D. McComb, of the county of Randolph, a minor, under the age of twenty-one years, be, and he is hereby empowered to contract and enter into engagements and agreements, and is also authorized to sue, and is made liable to be sued, in the same manner, and to the same extent, as if he were of the full age of twenty-one years.

Approved, January 20, 1870.

No. 45.]

AN ACT

To provide for the payment of the bonds of the town of Troy, by the real estate owners of said town.

Be it enacted by the General Assembly of Alabama,
That it shall be the duty of the corporate authorities of the town of Troy, to provide for the payment of the principal and interest of the bonds of said town, issued to the amount of sixty-five thousand dollars, for the extension of the Mobile and Girard Railroad, to Troy, as the same shall fall due; and for said purpose, the said corporate authorities are hereby invested with all the power necessary to levy and collect a tax upon the real estate within the corporate limits of said town; but in no one year shall any amount of tax be so levied and collected, greater than ten per cent. of the principal and the interest annually accruing, so that the said bonds shall be liquidated within ten years.

SEC. 3. *Be it further enacted,* That all laws or parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved, January 20, 1870.

No. 46.]

AN ACT

To authorize G. W. Hewitt, as administrator, and H. E. Hewitt, as administratrix of the estate of C. H. Perkins, deceased, late of Tuscaloosa county, to sell the lands of said estate, together with the dower interest of said H. E. Hewitt, at private or public sale, without an order of court.

Be it enacted by the General Assembly of Alabama,

That G. W. Hewitt as administrator, and H. E. Hewitt as administratrix of the estate of C. H. Perkins, deceased, are hereby authorized and empowered to sell all the lands belonging to the estate of the said C. H. Perkins, deceased, together with the dower interest of the said H. E. Hewitt, late widow of said decedent, in and to said lands, at private or public sale, as they may deem best for the interest of said estate, without an order of court; one third for cash, and the remainder on one and two years' credit, with interest from date of sale, so as to vest the complete title to the same in the purchaser or purchasers, as fully as if sold in accordance with the provisions of the statute now in force in Alabama; *Provided*, That any sale made by said G. W. Hewitt and H. E. Hewitt, under the provisions of this section, shall be subject to be governed by sections 2089, 2091, 2092, 2093, 2095 and 2096, of the Revised Code of Alabama, so far as applicable.

Authorized
to sell land.

Provided.

SEC. 2. *Be it further enacted*, That the said G. W. Hewitt and H. E. Hewitt, shall report any sale made under the provisions of the foregoing section of this act, to the probate court of the county of Tuscaloosa, of the State of Alabama, and all subsequent proceedings as required by the foregoing section of this act, shall be had in said court of probate for Tuscaloosa county.

Report sale to
probate court.

SEC. 3. *Be it further enacted*, That when any sale made by the said G. W. Hewitt and H. E. Hewitt, under the provisions of section one, shall have been confirmed by the said court of probate for Tuscaloosa county, on the application of the said H. E. Hewitt, late widow of said C. H. Perkins, deceased, the judge of the probate court of said county of Tuscaloosa, must make an order that a fair equivalent for her dower interest be paid her, the said H. E. Hewitt, by the said G. W. Hewitt, as administrator, and the said H. E. Hewitt, as administratrix of said

Widow's dower
interest.

estate, when the purchase-money is collected, the value of her dower interest to be ascertained by proof, having regard to the age and health of the said H. E. Hewitt; *And, provided further*, That said court must not allow to the said H. E. Hewitt more than one-sixth of the purchase-money, which, when paid, shall vest in her, in fee.

Approved, January 20, 1870.

No. 47.]

AN ACT

For the benefit of the estate of Joseph Pizzala, deceased, late of the city of Montgomery.

Be it enacted by the General Assembly of Alabama,
That for any of the causes now authorized by law, the judge of the probate court having jurisdiction of the estate of Joseph Pizzala, deceased, may upon one day's notice to the widow and legatees of the will of said deceased, order the sale of the personal property in the hotel known as the European House, in the city of Montgomery, and the renting of the same for the unexpired lease; and such sale and renting shall be made upon such notice as the said judge of probate may prescribe, and that the said personal property may be sold in such quantities as the said judge of probate may prescribe; *Provided*, That nothing herein contained shall affect the right of the said widow to her homestead, or to the exemptions provided by law.

Probate judge
may order sale
on 1 day's no-
tice.

European
House to be
rented.

Widow's right
not affected.

Approved, January 21, 1870.

No. 48.]

AN ACT

To amend the first and sixteenth sections of an act to incorporate the Selma Fire and Marine Insurance Company, approved December 11th, 1866, so as to change name of said company.

Be it enacted by the General Assembly of Alabama,
That the first section of the act entitled "An Act to incorporate the Selma Fire and Marine Insurance Compa-

1st section of
act repealed.

ny," approved December 11, 1866, which is in the words following, to-it: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That there be established in the city of Selma, a company, for the purpose of transacting the business of Marine, Inland and General Insurance, which company shall be called and known by the name of 'The Selma Fire and Marine Insurance Company,' and all such persons as shall be stockholders of said company, and their successors, shall and may have continual succession; and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may change and alter the same at pleasure, and also, they and their successors, by the name and title of 'The Selma Fire and Marine Insurance Company,' shall be in law, capable of purchasing and holding, and conveying all kinds of estate whatever, real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; that the capital stock of said corporation shall not exceed five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; twenty-five dollars in the hundred to be paid at the time of subscribing, and the remainder by such instalments as the directors shall appoint; *Provided, however,* That the first board of directors, to be chosen as hereinafter directed, shall within one month after their appointment, take good and sufficient security, to consist either in bank or other stock, at the two-thirds of the value thereof in market, or deed of trust on real estate, within the city of Selma, at not exceeding two-thirds of its cash value, exclusive of buildings, unless if the same be insured for the said remaining amount of stock unpaid, at the time of subscribing as aforesaid, whenever it shall be deemed expedient to call for the same, or satisfactory notes for the said balance unpaid;" be, and the same is hereby amended, so as to read as follows: "Section 1. Be it ^{Amendment.} enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That there be established in the city of Selma, a company for the purpose of transacting the business of Ma-

Name changed
to City Bank of
Selma.

Powers.

Capital stock.

16th section
recited.

rine, Inland and General Insurance, which company shall be called and known by the name of 'The City Bank of Selma,' and all such persons as shall be stockholders of the said company, and their successors, shall, and may have continual succession, and shall be capable in-law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, they and their successors by the name and style of 'The City Bank of Selma,' shall be in law capable of purchasing and holding, and conveying all kinds of estate, whatever, real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; that the capital of said corporation shall not exceed five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; twenty-five dollars in the hundred to be paid at the time of subscribing, and the remainder by such instalments as the directors shall appoint; *Provided, however,* That the first board of directors to be chosen as hereinafter directed, shall within one month after their appointment, take good and satisfactory security, to consist either in bank or other stock, at two-thirds of the value thereof in market, or deeds of trust on real estate, within the city of Selma, at not exceeding two-thirds of its cash value, exclusive of buildings, unless the same be insured for the said remaining amount of stock unpaid, at the time of subscribing as aforesaid, whenever it shall be deemed expedient to call for the same, or satisfactory notes for the said balance unpaid.

SEC. 2. *Be it further enacted,* That the sixteenth section of said act, which is in the words following, to-wit:

"Section 16. Be it further enacted, That any stock in said Selma Fire and Marine Insurance Company owned by person or persons indebted to said company shall, at the option of the directors of said company, be held as security until said indebtedness shall be discharged, and in case of failure of payment of said indebtedness within thirty days after maturity of the same, the directors shall have the power to sell such stock, or as much thereof as will satisfy the said indebtedness, by adver-

tising the same for ten days prior to sale, in any newspaper published in the city of Selma, and without further notice to the owner thereof," be and the same is hereby amended so as to read as follows: "Section 16. Be it further enacted, That any stock in said 'City Bank of Selma,' owned by person or persons indebted to said bank, shall, at the option of the directors of said bank, be held as security until said indebtedness shall be discharged; and in case of failure of payment of such indebtedness, within thirty days after maturity of same, the directors shall have power to sell the said stock, or as much thereof as will satisfy the said indebtedness, by advertising the same for ten days prior to sale in any newspaper published in the city of Selma, and without any further notice to the owner thereof."

SEC. 3. *Be it further enacted*, That said first and sixteen sections of said original act be and the same are hereby repealed.

Approved, January 24, 1870.

No. 49.]

AN ACT

To amend An Act entitled "An Act to establish a Criminal Court for the county of Montgomery with civil jurisdiction.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act approved December 7th, 1863, to establish a criminal court for the county of Montgomery with civil jurisdiction, which is in the following words, to-wit: Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That there is hereby established in the city of Montgomery "an Inferior Court of Record to be called the City Court of Montgomery," to consist of one judge, who shall reside in said city or within six miles of the Court House of Montgomery county, to be elected by the qualified voters of Montgomery county, on the first Monday in May next, and every six years thereafter, who shall take the same oaths, hold his office for the same term, and be removable for the same causes as judges of the circuit courts of this State, be amended so as to read as follows:

Section 1 of
act repealed.

Amended.

Judge when
elected.

Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in the city of Montgomery an Inferior Court of Record, to be called the "City Court of Montgomery," to consist of one judge, who shall reside in said city or within six miles of the Court House of Montgomery county, who shall take the same oaths, hold his office for the same term, be elected at the same time, and be removable for the same causes as Judges of the circuit courts of this State.

Section 2 re-
cited.

SEC. 2. *Be it further enacted*, That section 2 of said act, which is in words as follows: Section 2. Be it further enacted, That said court shall have a seal, a clerk, and other officers, for the exercise of its jurisdiction as the circuit courts have. The clerk of said court shall be elected on the same day that the Judge is elected, and hold his office for four years; and after the first election he shall be elected on the first Monday in August; he shall give bond as required of the clerks of the circuit courts, and in all respects shall be governed by the laws in relation to the clerks of the circuit courts except as changed by this act be amended so as

Sec. 2 amend-
ed.Clerk to hold
for 6 years.Clerk, when
elected.May issue
writ or other
process.May admin-
ister oaths, &cSection 3 re-
cited.

to read as follows: Section 2. Be it further enacted, That said court shall have a seal, a clerk, and other officers, for the exercise of its jurisdiction as the circuit courts have. The clerk of said court shall hold his office for the term of six years, and shall be elected on the same day that the Judge of said city court is elected, to-wit: On the first Tuesday after the first Monday in November, one thousand eight hundred seventy-four, and every six years thereafter; he shall give bond as required of clerks of the circuit courts, and in all respects shall be authorized to issue any writ of attachment or other process returnable to the said city court, that by law could be issued by a clerk of the circuit court, returnable to the circuit court, and to administer oaths and affidavits, and shall be governed by the laws in relation to the clerks of the circuit courts, except as changed by this act.

SEC. 3. *Be it further enacted*, That section 3 of said act, as amended by an act approved December 7th, 1866, which is in the following words, to-wit: Section 3. Be it further enacted, That said court shall be holden, and the office of clerk thereof kept at the court house in said city. It shall hold three terms in each year, com-

mencing the second Monday in February and the first Monday in June and October, and may, by special adjournment, hold such other terms as may be necessary for the dispatch of business, be amended so as to read as follows: Section 3. Be it further enacted, That said court shall be holden, and the office of the clerk thereof kept at the court house in said city. It shall hold three terms in each year, commencing on the third Monday in February, and the second Monday in July and October, and may, by special adjournment, hold such other terms as may be necessary for the dispatch of business, and that the judge of said court, whenever the public interest may require, shall be authorized to continue all causes on the civil docket of said court, at the July term thereof, until the next term, upon giving two weeks notice of his intention to do so, in the official paper of Montgomery county.

Sec. 3 amend-
ed.

Terms.

Judge may con-
tinue causes
at the July
term.

SEC. 4. *Be it further enacted*, That the said act as herein amended is declared to be in full force and effect.

Act as amend-
ed continued
in force.

Approved, January 24, 1870.

No. 50.]

AN ACT

To incorporate the Phoenix Fire Company No. 2, of Eufaula, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That W. E. Stammers, M. D. Britt, J. J. Creyon, T. J. Morgan, A. J. Ramsey, their associates and successors, be and they are hereby declared a body corporate by the name and style of "The Phoenix Fire Company No. 2, of Eufaula," and by said name and style the said company may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this State; and may have, hold, occupy and possess goods and chattels, lands and tenements of the value of twenty thousand dollars, and may sell and transfer the same at pleasure, and may have and use a common seal, and alter the same at pleasure.

Corporators.

Corporate
names.

Franchise.

SEC. 2. *Be it further enacted*, That the company may enact such by-laws, rules and regulations for the proper organization and good government of the company, as

By-laws.

are not inconsistent with the constitution and laws of the United States and of this State, and the provisions of this act of incorporation, as they deem proper.

Members exempt from militia and jury duty.
Proviso.
 SEC. 3. *Be it further enacted,* That the members of said company shall be exempt, and are hereby exempt from militia and jury duty, street tax and poll tax for the city of Eufaula, so long as they continue to perform their duties of firemen under this act; *Provided, however,* that there shall be no honorary or pay members of said company, who shall enjoy the privileges and immunities of active members under this act; except such as have served seven consecutive years in said company, or shall have been active members of a fire company in said city for seven consecutive years without intermission, or shall have been permanently disabled in the performance of duty as a fireman.

Foreman to furnish list of members.
 SEC. 4. *Be it further enacted,* That it shall be the duty of the foreman, or other presiding officer of said company, to furnish to the sheriff of the county of Barbour, semi-annually, on oath, a true list of the names and members of said company, who are, at the time of making such report, entitled to the immunities of this charter; and it shall be the duty of said sheriff to prevent the said names from being placed in any of the jury boxes for said county.

In case of failure or neglect of duties.
Marshal to issue notice.
 SEC. 5. *Be it further enacted,* That whenever the said company shall cease to be effective by not keeping an engine, and the apparatus belonging to it, or by not keeping the same in good working order, or when its membership from any cause shall become inadequate for the proper management and manning of its engine and hose carriage, or shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter, it shall be the duty of the marshal of the city of Eufaula to issue notice calling on the said company to appear before the city council of Eufaula, at their next regular meeting, and show cause why their charter should not be declared forfeited; and the said notice may be served upon either of the officers of said company, or in case of the absence of said officers, or if they are not known or cannot be found, then said notice may be served upon any member of said company, and if said company shall fail to appear, on appearing shall be found guilty of violating the provisions of this char-

ter, then the said city council shall declare said charter forfeited.

Approved, January 28, 1870.

No. 51.]

AN ACT

Changing the time of holding the circuit courts in Sumter and Choctaw counties.

Be it enacted by the General Assembly of Alabama,
That hereafter the circuit courts for the county of Choc-Choctaw shall be held on the third Monday in March and September, and may continue two weeks; and in the county of Sumter, on the first Monday after the fourth Monday in March and September, and may continue two weeks.

Approved, January 28, 1870.

No. 52.]

AN ACT

To amend section 5th of an act to incorporate the Clintonville Academy in Coffee county, approved January 11th, 1860.

Be it enacted by the General Assembly of Alabama,
That section 5th of an act to incorporate Clintonville Academy, approved January 11th, 1860, which reads as follows: "Section 5. That the number of said trustees shall be seven, and the persons above named shall continue in office for the term of two years, or until their successors are duly appointed and accept, which appointments shall be made by said body before the expiration of their term of office, and a majority of said trustees shall form a quorum for the transaction of business, and a majority of those remaining in office shall form a quorum for the election of new members to fill vacancies of said Board. The said trustees shall have power to remove any member of their Board, for misconduct," be amended, by adding: If at any time there should be a failure to keep up the organization of trustees, the powers, rights and privileges conferred by said

act on the trustees, shall not be forfeited, and that citizens around the academy shall have the power and right to enforce the provisions of section 3, of said act, against the sale of spirituous liquors.

Approved, January 28, 1870.

No. 53.]

AN ACT

To legalize the acts, contracts, suits, and transactions to which Oscar Youngblood, a minor, may hereafter be a party.

Disabilities
of non-age re-
moved.

Proviso.

Be it enacted by the General Assembly of Alabama, That Oscar Youngblood, a minor, be, and he is hereby made competent to contract and to be contracted with, to sue and to be sued, and bind and be bound by any act or transaction of his hereafter made, as fully and as perfectly as if he were of full age; *Provided,* That this act shall not be construed to give said Oscar Youngblood any other or greater rights with reference to the compromise or final settlement of his former guardians, between said former guardians and his present guardian, than he would possess if this act had not been passed; but said compromise shall remain in all its provisions unaffected by this act, unless it is mutually agreed to be changed, between said Oscar Youngblood and his former guardians.

Approved, January 28, 1870.

No. 54.]

AN ACT

Authorizing the county commissioners of Clark county to levy an additional tax for county purposes.

Special tax
legalized and
additional tax
authorized.

Be it enacted by the General Assembly of Alabama, That the special tax levied by the county commissioners of Clark county, to build a jail for said county, be, and the same is hereby legalized, and that they be authorized to levy an additional tax of 100 per cent. for county purposes.

Approved, January 28, 1870.

No. 55.]

AN ACT

To authorize Thomas Allen, of the county of Hale, to administer upon the estate of his mother, L. M. Hardwick.

Be it enacted by the General Assembly of Alabama,
That Thomas Allen, resident citizen of the county of Hale, be, and he is hereby authorized to administer upon the estate of his mother, L. M. Hardwick, deceased, and the judge of the probate court of Hale county is hereby authorized to issue to the said Thomas Allen, letters of administration upon the estate of the said L. M. Hardwick, deceased, upon his giving bond and security as required by law.

Authorized
to administer.

Judge of pro-
bate to issue
letters.

Approved, January 28, 1870.

No. 56.]

AN ACT

For the relief of John W. Oswolt, of Macon county.

Be it enacted by the General Assembly of Alabama,
That John W. Oswolt, of the county of Macon, and State of Alabama, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary, give receipts and acquittances therefor, to purchase real estate or personal property, and to do all things, and to all intents and purposes as effectively and legally as though he was twenty-one years of age.

Disabilities
of non-age re-
moved.

Approved, January 28, 1870.

No. 57.]

AN ACT

To authorize the court of county commissioners of Washington county to levy a special tax for county purposes.

Be it enacted by the General Assembly of Alabama,
That the county commissioners of Washington county

are hereby authorized to levy a special tax, for the purpose of building a court house and jail, or repairing the same.

Special tax
authorized.

Approved, January 28, 1870.

No. 58.]

AN ACT

To change the name of Martha Francis, and William Arnold Whatley, minor children of Susan Whatley, to the name of Martha Francis and William Arnold Paulk, and to render them capable of inheriting the estate, real and personal, of William J. Paulk, of the county of Randolph, and State of Alabama.

Be it enacted by the General Assembly of Alabama, That the name of Martha Francis Whatley, (who was born January 30th, 1864,) and William Arnold Whatley, (who was born November 25th, 1866,) in the county of Randolph, and State of Alabama, and who now reside there, and who are children of Susan Whatley, be, and they are hereby changed to the names of Martha Francis Paulk and William Arnold Paulk.

SEC. 2. *Be it further enacted,* That the said Martha Francis Paulk and William Arnold Paulk shall be known by the names (and none other,) of Martha Francis Paulk and William Arnold Paulk, and as such, they are hereby declared to be legitimated, and to be the heirs at law of the said William J. Paulk, and in all things capable of inheriting his estate, real and personal.

Approved, January 28, 1870.

No. 59.]

AN ACT

To change the name of the Selma Savings Association to the Selma Savings Bank.

Be it enacted by the General Assembly of Alabama, That the name of the Selma Savings Association, a body corporate, located in the city of Selma, be, and the same is hereby changed to the Selma Savings Bank.

Approved, January 28, 1870.

No. 60.]

AN ACT

To incorporate the town of Columbia, Henry county,
Alabama.

Be it enacted by the General Assembly of Alabama, That Richard McGraff, sr., L. W. Shackelford and J. A. Clark, shall, on the first day of January, 1870, or as soon thereafter as practicable, hold an election for one mayor and four aldermen, who shall hold their office until the next general election of officers and until their successors are elected and qualified.

Commission-
ers of election.Time of elec-
tion.Officers and
terms of office.

SEC. 2. *Be it further enacted,* That on the first Monday of January, of every succeeding year thereafter, there shall be an election held at some public place in said town, for a mayor and four aldermen for said town, who shall hold their office until their successors are elected and qualified, and at said election all the resident voters within the limits of said incorporation be entitled to vote at such election, who have resided in said town ten days previous.

Annual elec-
tion.

SEC. 3. *Be it further enacted,* That the election directed to be held by the preceding section, shall be held by two freeholders or house holders, to be appointed by the mayor of said town, who shall conduct such election in the same manner as other general elections in said State, and make returns to the mayor or aldermen, or either of them, who shall give a certificate of election to those having the largest number of votes.

'Supervisors
of election.

SEC. 4. *Be it further enacted,* That it shall be the duty of the mayor to preside at all meetings of the board, to preserve order and to enforce the laws of the incorporation, but a majority of the board shall have power to transact business, and the said board is hereby declared a body politic and corporate, by the name of the mayor and aldermen of Columbia, and by that name shall have and enjoy all rights, powers and privileges, and be subject to all the liabilities that are incident to bodies corporate.

Duties of
mayor.Incorporation
of board.

SEC. 5. *Be it further enacted,* That the said board shall have full and complete power to make all by-laws and ordinances of whatever kind and whatever subject to them may seem right and proper for the good government of said town; to levy and collect taxes, to defray the expenses of the incorporation, not exceeding the

Powers of
board.

county tax levied by the county on the same kind of property; to affix such fines, not exceeding twenty dollars, and imprisonment in a prison to be designated by the mayor and aldermen, not exceeding twenty-four hours for any one transaction, as may by them be deemed necessary to enforce a due observance of the laws and ordinances of said incorporation, not repugnant to the laws of this State.

Powers of mayor. SEC. 6. *Be it further enacted*, That the mayor of said corporation shall be *ex-officio* justice of the peace for all purposes, and the enforcement of the laws; may exercise all the powers, and shall be subject to the same duties and liabilities of justices of the peace of the county of Henry, and shall be entitled to receive for all services touching the violation of any of the laws and ordinances of said corporation, and in all other cases the same fees as are now allowed by law to the justices of the peace, **Compensation** and for *ex-officio* services, such sum as the board of aldermen may allow, not exceeding one hundred dollars per year.

Vacancies how filled. SEC. 7. *Be it further enacted*, That said board shall have power to supply all vacancies occurring in their body between regular elections; to appoint a treasurer, a marshal and such other officers as they may require or seem proper, and to affix such fees and regulations to such offices as they may deem necessary and proper.

Offenders how punished. SEC. 8. *Be it further enacted*, That the mayor and aldermen shall have power to punish all violators of the laws and ordinances, and the offender or offenders shall be proceeded against, in such manner as may be prescribed in the ordinance, by execution against person and property.

Oath of office. SEC. 9. *Be it further enacted*, That the mayor and each of the aldermen shall, before entering on the discharge of their duty, take an oath faithfully and impartially, without favor, fear or affection, to discharge the same, which oath, together with the oath of office prescribed by the constitution of the State of Alabama, shall be administered by the judge of probate of said county, the mayor or any justice of the peace in said county, and filed in the office of the judge of probate of said county.

SEC. 10. *Be it further enacted*, That the mayor and aldermen of said town, shall be, and are hereby fully empowered and authorized to regulate and prescribe

the terms upon which any billiard table, or table of like kind and description, or ten-pin alley, or any substitute therefor in playing thereon, may be kept within the corporate limits of said town, and the sale of spirituous or intoxicating liquors, beer, porter or ale, in less quantities than one quart, in said corporation; that they may grant a license to any person or persons desiring to keep such table or alley, or sell such liquors, beer, porter, ale, &c., on such terms, and require such sums to be paid therefor; and on all other business houses and professional men, as they may think proper.

May grant
licenses.

SEC. 11. *Be it further enacted*, That the mayor and aldermen of said town be, and they are hereby fully authorized and empowered to regulate and prescribe the times for which any license may be granted, as contained in the ordinance passed by said board.

May regulate
terms of li-
cense.

SEC. 12. *Be it further enacted*, That any person or persons shall keep or cause to be kept any such table or alley within the corporate limits of said town, or sell such liquor, beer, porter or ale, or violate any ordinance or ordinances requiring a license, without first obtaining a license therefor, and shall be thereof convicted before said mayor, he or they may be fined in any sum not to exceed twenty dollars for each and every day and part of a day of such violation of the ordinance or ordinances; and the table or alley, or liquor or such other article used in violation of the ordinance or ordinances of said town, together with all the implements used, may be seized by the marshal, and sold to the highest bidder, on giving ten days notice, by advertising or posting in three public places in said town, to pay said fine, and all costs which may have accrued thereon, whether such articles belong to such parties keeping it, or them, or not.

Penalty for
violating.

Prohibited
articles to be
seized and sold

SEC. 13. *Be it further enacted*, That if any person or persons having been convicted as aforesaid, shall fail to pay such fine as may be assessed against him or them, he or they may be imprisoned by order of the mayor in the calaboose or other prison, at the option of the mayor, for any length of time, not to exceed twenty-four hours for any one offense.

Imprison-
ment for non-
payment of
fines.

Approved, January 28, 1870.

No. 61.]

AN ACT

To prevent the selling of liquors within one mile of Beulah [church] in the county of Lee.

Be it enacted by the General Assembly of Alabama, That it shall not be lawtul, after the passage of this act, for any person to sell, at wholesale or retail, spirituous liquors within one mile of Beulah church, in the county of Lee; and that any person so offending shall be subject to a fine of not less than one hundred nor more than five hundred dollars, to be recovered before any court having jurisdiction.

Approved, January 28, 1870.

No. 62.]

AN ACT

For the relief of Bryant H. McCulloh, of the county of Lee.

Be it enacted by the General Assembly of Alabama, That Bryant H. McCulloh, of the county of Lee, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary, give receipts and acquittances therefor; to purchase and convey real and personal estate, and do all things as fully, and to all intents and purposes as effectively as though he was twenty-one years of age.

Approved, January 28, 1870.

No. 63.]

AN ACT

For the relief of Robert A. Ross and James F. Hartsfield, minors, of Pike county, from the disabilities of non-age.

Be it enacted by the General Assembly of Alabama, That Robert A. Ross and James F. Hartsfield, minors, of Pike county, be and they are hereby relieved from all the disabilities of non-age, and made competent to

Disabilities
of non-age re-
moved.

Disabilities
of non-age re-
moved.

act, contract, and be contracted with, to sue and be sued, to bind and be bound, by any and all transactions and business, of any and every kind hereafter made, as fully and perfectly as if they were of full age.

Approved, January 28, 1870.

No. 64.]

AN ACT

For the relief of William L. D. Pitts.

Be it enacted by the General Assembly of Alabama, That William L. D. Pitts, of the county of Perry and State of Alabama, who being under the age of twenty-one years, be and he is hereby declared to be a free dealer, and as such may act for himself in all matters, suing and being sued, contracting and being contracted with, as if he had arrived at the age of twenty-one years; and his guardian P. H. Pitts, be and he is hereby authorized to settle [with] his guardianship of the property of said Wm. L. D. Pitts, and turn over to him any part or all his, the said W. L. D. Pitts' property, just as if the said ward had attained his majority, any law of the State of Alabama to the contrary notwithstanding.

Approved, January 28, 1870.

No. 65.]

AN ACT

For the relief of Henry B. Vincent, of the county of Autauga.

Be it enacted by the General Assembly of Alabama, That Henry B. Vincent, a minor, of the county of Autauga, be and he is hereby authorized to manage and transact all business connected with his estate, to sue and be sued, plead and be impleaded, to contract and be contracted with, and to purchase and sell property in all respects as if he were of full age. Disabilities of non-age removed.

Approved, January 28, 1870.

No. 66.]

AN ACT

For the relief of John Gamble Burton, a minor.

Be it enacted by the General Assembly of Alabama,
That John Gamble Burton, who is a minor, now nearly
nineteen years of age, and a resident of Sumter county,
Alabama, be and he is hereby relieved from the disabili-
ties of non-age, and is invested with all the rights and
powers of a person of full age, in all matters of busi-
ness, and may contract and be contracted with accord-
ingly.

Disabilities
of non-age re-
moved.

Approved, January 28, 1870.

No. 67.]

AN ACT

For the relief of Louisiana Lester, of Russell county.

Be it enacted by the General Assembly of Alabama,
That Louisiana Lester, formerly Louisiana Calhoun, of
the county of Russell, be and she is hereby authorized
to marry again, notwithstanding a decree of divorce
rendered against her in favor of David W. Lester.

May marry
again.

SEC. 2. *Be it further enacted,* That she be and is hereby
released from the disabilities and penalties imposed by
law upon all persons against whom a divorce may be
granted.

Relieved from
disabilities.

Approved, January 28, 1870.

No. 68.]

AN ACT

To amend section 5 of the charter of the city of We-
tumpka.

Be it enacted by the General Assembly of Alabama,
That section 5, of the charter of the city of Wetumpka,
which reads as follows: "Section 5. And be it further
enacted, That the present intendants and councillors of
West and East Wetumpka shall appoint freeholders or
householders in each of the several wards, who shall
be managers of the first election for aldermen; said

Sec. 5 recited.

managers so appointed shall be the judges of the qualifications of the voters, and when said election shall be closed, the managers appointed as aforesaid shall forthwith report to the intendants and councillors of East and West Wetumpka, jointly, who shall, upon casting up the votes for aldermen, determine who are elected. All white male citizens over the age of twenty-one years who shall have resided within the city six months, and ten days within the ward wherein he offers to vote, preceding any election, and shall have paid all taxes required and due, either under the former acts of incorporation as well as all or every debt due from fine or otherwise to the city, shall be qualified electors of aldermen," be so amended as to strike out the word "white," and all that portion relating to the payment of debts, dues and taxes.

Amendment;
"white" stricken out.

Approved, January 28, 1870.

No. 69.]

AN ACT

To change the name of Louisiana Lester, of Russell county, to Louisiana Calhoun.

Be it enacted by the General Assembly of Alabama, Name changed
That the name of Louisiana Lester be, and the same is hereby changed from Louisiana Lester to Louisiana Calhoun, by which latter name she shall be hereafter known and designated.

Approved, February 2, 1870.

No. 70.]

AN ACT

For the relief of E. C. Milner, tax collector of Butler county.

Whereas, E. C. Milner, the tax collector of Butler county, had safely and prudently deposited the taxes collected by him, to the amount of twenty-seven hundred dollars, with one J. W. Mallett, to be kept safely Preamble. in an iron safe until he could bring the same to the Auditor and Treasury of the State, and whilst so de-

posited the same was destroyed by the late fire in Greenville, the said tax collector having been guilty of no negligence—therefore,

Relief.

Be it enacted by the General Assembly of Alabama, That upon the settlement of said E. C. Milner, tax collector of Butler county, with the Auditor of the Treasury for the taxes collected by said tax collector, the Auditor allow said tax collector a credit for said sum of twenty-seven hundred dollars, destroyed as aforesaid.

Approved, February 3, 1870.

No. 71.]

AN ACT

To fix the time of holding the Circuit Court in the Eighth Judicial Circuit.

Henry.

Dale.

Geneva.

Coffee.

Pike.

Bullock.

Barbour.

Be it enacted by the General Assembly of Alabama, That the circuit court for Henry county shall be holden on the first Monday in March and September and continue two weeks; in the county of Dale on the third Monday in March and September, and continue one week; in the county of Geneva on the fourth Monday in March and September, and continue one week; in the county of Coffee on the first Monday after the fourth Monday in March and September, and continue one week; in the county of Pike on the second Monday after the fourth Monday in March and September, and continue two weeks; in the county of Bullock on the fourth Monday after the fourth Monday in March and September, and continue two weeks; and in the county of Barbour on the sixth Monday after the fourth Monday in March and September, and continue until the business is disposed of.

Contravening
laws repealed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, February 3, 1870.

No. 72.]

AN ACT

To amend an act entitled "An Act to fix the time of holding courts in the fourth judicial circuit."

Be it enacted by the General Assembly of Alabama, That section one of an act entitled "An Act to fix the time of holding courts in the fourth judicial circuit," and approved January 18, 1870. which reads as follows : "Section 1. Be it enacted by the General Assembly of Alabama, That the courts of the fourth judicial circuit shall be held as follows, viz : In the county of Lawrence on the first Monday of March and September, and may continue two weeks ; in the county of Franklin on the third Mondays of March and September, and may continue two weeks ; in the county of Lauderdale on the first Mondays after the fourth Monday of March and September, and may continue two weeks ; in the county of Limestone on the third Mondays after the fourth Mondays of March and September, and may continue two weeks ; in the county of Morgan on the fifth Mondays after the fourth Mondays in March and September, and may continue one week," be amended by striking out all that part of section one which follows after the words, "In the county of Franklin on the third Mondays of March and September, and may continue two weeks," and inserting the following amendment in lieu thereof : In the county of Colbert on the first Monday after the fourth Mondays in March and September, and may continue two weeks ; in the county of Lauderdale on the third Mondays after the fourth Mondays in March and September, and may continue two weeks ; in Limestone county on the fifth Mondays after the fourth Monday in March and September, and may hold two weeks ; in the county of Morgan on the seventh Monday after the fourth Monday in March and September, and may continue two weeks.

SEC. 2. *Be it further enacted,* That the county of Colbert shall belong to the fourth judicial circuit.

SEC. 3. *Be it further enacted,* That all laws conflicting with this act are hereby repealed.

Act recited.

Amendment.

Franklin.

Colbert.

Lauderdale.

Limestone.

Morgan.

Colbert attached to 4th circuit.

Conflicting laws repealed.

No. 73.]

AN ACT

To incorporate the town of Blountsville, in the county of Blount.

Be it enacted by the General Assembly of Alabama,
Blountsville. That the town of Blountsville, in the county of Blount,
be and the same is hereby incorporated, and the incor-
Incorporated. porate limits of said town shall extend one half mile in
every direction from the court house, situated in said
town.

SEC. 2. *Be it further enacted,* That an election shall
Election of be held in the town of Blountsville on the fourth Mon-
officers. day in February next, opening at ten o'clock in the
forenoon and closing at five o'clock in the afternoon, for
the purpose of electing an intendant and five councilmen,
who shall serve for one year and until their successors
Commissioner's are duly qualified; and J. M. Wooten, W. W. Harrison,
F. M. Hudson, and C. F. Hamell, are hereby appointed
commissioners to hold said election, and either of said
commissioners and two freeholders whom he may select
or authorize to act. All subsequent elections shall be
Subsequent held by the intendant and councilmen, or by the coun-
elections. cilmen, and shall be held on the fourth Monday in Feb-
ruary in each and every year thereafter, within the hours
above specified; all vacancies occurring in the board
to be filled by appointment of the intendant until the
next regular annual election thereafter.

SEC. 3. *Be it further enacted,* That all the powers and
Powers of authority conferred upon the corporate authorities of
officers. towns incorporated under the provisions of the Revised
Code of Alabama, shall be and are hereby invested in
said Intendant and Councilmen.

SEC. 4. *Be it further enacted,* That the Intendant of
Intendant to be justice of the peace. said town shall be a justice of the peace *ex officio*,
within and for said town, and the marshal of said town
shall be a constable therein, upon the execution of bond,
and taking oath of office of such officers as now required
by law.

Approved, February 7, 1870.

No. 74.]

AN ACT

To amend an act entitled "An Act to repeal an ordinance to abolish the new county of Baine, formed by the General Assembly of 1866-7."

Be it enacted by the General Assembly of Alabama, That an act entitled "An Act to repeal an ordinance to abolish the new county of Baine, formed by the General Assembly of 1866-7," which is in the words and figures following, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That the ordinance Act recited. passed December 3, 1867, by the Constitutional Convention assembled at Montgomery on the 5th day of November, 1867, entitled "An ordinance to abolish the new county called the county of Baine, formed by the General Assembly of 1866-7," be and the same is hereby repealed; *Provided*, That the said county shall be known as the county of Etowah; *And provided further*, That the boundaries of the said county shall be designated by a line running as follows: Commencing at the northeast corner of section thirty-six (36), township twelve (12), range eight (8), and thence running north along the line of range eight and nine, to where said line intersects the waters of Ball Play Creek, thence north-west to Adams' Ferry on the Coosa river, provided it shall not cross the river above Adams' Ferry, but shall take the course of the river to said ferry, thence down said river to the south-west corner of township ten (10), range eight (8), thence north along the range line between range seven (7) and eight (8), to the southwest corner of section one (1), township ten (10), range seven (7), thence by a line running west and parallel with the line dividing township nine (9) and ten (10), and one mile south of the same to the waters of Clear Creek, in township ten (10), range four (4), thence down the said creek to Doolan's, at the crossing of Cox's old turnpike road, thence in a direct line to Levi Murphy's Mill on the Warrior river, thence in a direct line to Joseph Phillips', on the road leading from Walnut Grove to Blountsville, thence to Nix's or Nick's, on the Murphey's Valley road, thence to Reuben Hayes' old place on the Warrior river, thence along said river to the head spring of said river, thence to Heathcock's Gap on the road leading from Ashville to Blountsville, thence north-west

along the county line between St. Clair and Blount counties to the intersection of the township line between township twelve (12) and thirteen (13), thence along said township line east to the waters of Little Canoe Creek, thence along said creek to its junction with the Coosa river, thence along said river to Whisenant's Mill, one mile below Greensport, thence along the Jacksonville road to the dwelling of William Whisenant, thence northwest to the south-west corner of section twelve (12), range eight (8), thence north to the north-west corner of section thirty (30), of township twelve (12), range eight (8), and thence east to the place of beginning; *Provided further*, That all the county officers of said county shall be appointed by the Governor, and to hold their offices until the expiration of the regular term of each office respectively, as provided for in the constitution and the general election law; *and provided further*, That the courts of said county be held at Gadsden until an election is held for permanently locating the county site of said county, which election shall be held on the first Tuesday in March, in the year eighteen hundred and sixty-nine, and shall be held in accordance with the laws regulating such elections; and it shall be the duty of the county commissioners to place in nomination two or more places situated not less than five miles from each other; *Provided*, That one of the places so nominated for county site shall be the lot in the town of Gadsden, selected by the former commissioners for said purpose, approved December 1, 1868," be so amended as to provide that the boundary line between the counties of Etowah and St. Clair be so changed as to run as follows, to-wit: Commencing at the point where the county line intersects the township line between townships twelve (12) and thirteen (13), on top of Blount Mountain, thence along the top of said mountain to the section line between sections sixteen (16) and twenty-one (21), in township twelve (12), range three (3), east, thence eastward along said section line to north-east branch of Little Canoe Creek, thence down said creek to the Coosa river.

Amendment.

Boundary.

Conflicting laws repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved, February 7, 1870.

No. 75.]

AN ACT

For the relief of John S. Colvard, of Macon county.

Be it enacted by the General Assembly of Alabama,
That John S. Colvard, of Macon county, Alabama, notwithstanding his minority, be and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary, to give receipts and acquittances therefor, to purchase real estate or other property, and convey the same, and to do all things as effectually and legally as though he were twenty-one years of age.

Disabilities
of non-age removed.

Approved, February 7, 1870.

No. 76.]

AN ACT

To provide school buildings for the State Normal school located in Perry county.

Be it enacted by the General Assembly of Alabama,
That the court of county commissioners of Perry county, be, and is hereby authorized and required to appropriate fifty per centum of the fund raised in the year eighteen hundred and sixty-nine, and fifty per centum of the fund to be raised in the year eighteen hundred and seventy, under the provisions of section nine hundred and ninety-two of the Revised Code, to the construction of school buildings for the State Normal school, located in Perry county, by act of the board of education, approved December second, eighteen hundred and sixty-nine.

Commissioners of Perry co. to appropriate funds for school buildings.

Approved, February 7, 1870.

No. 77.]

AN ACT

To incorporate the town of Vernon, in Sanford county.

Be it enacted by the General Assembly of Alabama,
That the town of Vernon, in the county of Sanford, be, and the same is hereby incorporated, with the usual

Town of Vernon incorporated.

powers and privileges allowed to towns and villages in this State.

Election of officers. **Powers of officers.** *SEC. 2. Be it further enacted,* That there shall be elected in said town of Vernon, on the 12th day of April, 1870, one intendant and four councilmen, and annually thereafter, to office said town by the qualified voters thereof, who may hold their meetings, and pass all needful laws, rules and regulations for the government of said town, as may be necessary, not inconsistent with the laws of the United States, and the laws of the State of Alabama.

Who may hold election. *SEC. 3. Be it further enacted,* That any three qualified electors of said town may hold the election provided for in the second section of this act.

Approved, February 7, 1870.

No. 78.]

AN ACT

To change the time of holding the winter term of the chancery court for the 10th district, composed of the county of DeKalb, of the northern chancery division of Alabama.

Term of chancery court in DeKalb. **Process, how returnable.** **Causes.** *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the winter session of the chancery court for the 10th district, composed of the county of DeKalb, in the northern chancery division of Alabama, shall be held on the second Monday of December in each and every year, instead of the time now provided by section 14 of an act entitled an act in relation to chancery courts in Alabama, approved on the 12th day of August, 1868; and that all process heretofore issued returnable to said court, shall be returned on said second Monday of December, 1869; and all causes which shall be at issue, and stands for trial in said court, shall stand for trial on the said second Monday of December, 1869.

Contravening laws repealed. *SEC. 2. Be it further enacted,* That all laws or parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, February 7, 1870.

No. 79.]

AN ACT

To enable Cynthia Early, administratrix *de bonis non*, with the will annexed, of the estate of Reuben Early, late of St. Clair county, deceased, to sell at private sale, and make good title to certain lands owned by said deceased at the time of his death.

Be it enacted by the General Assembly of Alabama, That Cynthia Early, administratrix *de bonis non, cum testamento annexo*, of the estate of Reuben Early, late of St. Clair county, deceased, be, and she is hereby authorized and empowered to sell at private sale, without obtaining an order of the probate court of said county for that purpose, the following described lands, belonging to said estate, situated in said county of St. Clair, in the Huntsville land district, to-wit: The west half (w. $\frac{1}{2}$) of north-west quarter (n. w. $\frac{1}{4}$), and the south-east quarter (s. e. $\frac{1}{4}$) of the north-west quarter (n. w. $\frac{1}{4}$) of section twenty-eight (28), in township thirteen (13), of range three (3), east.

Administra-
trix may sell
at private sale
certain lands.

SEC. 2. *Be it further enacted,* That said Cynthia Early, as such administratrix, shall execute to the purchaser or purchasers of said lands, a deed or indenture, conveying to them all right title and interest which the said Reuben Early, deceased had, at the time of his death, in and to said lands, which, if duly recorded, shall be held good and sufficient in all courts of law or equity in this State, against the claims of all persons claiming the same by purchase, descent or devise, from the said Reuben Early, any law or laws in conflict with the provisions of this act notwithstanding.

Titles good
against other
claimants.

Approved, February 7, 1870.

No. 80.]

AN ACT

To declare William B. Jackson, Jr., a liner between the counties of Perry and Marengo, a citizen of Marengo county, and to change the county line between said counties.

Be it enacted by the General Assembly of Alabama, That William B. Jackson, Jr., a liner between the coun-

Wm. B. Jackson a citizen
of Marengo.

Boundary
changed.

ties of Perry and Marengo, be, and he is hereby declared a citizen of the county of Marengo, and that the line between the said counties of Perry and Marengo be so altered and changed as to embrace and include in the county of Marengo, the following lands, to-wit: The south half of the south-east quarter of section thirty-one, township sixteen, range six, east.

Approved, February 7, 1870.

No. 81.]

AN ACT

To prevent camp hunting in Marion county.

Camp hunt-
ing prohibited

Penalty for
violating.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for persons to hunt game of any kind in this county, by camping anywhere within its limits; and any person or persons violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined, not less than fifty dollars, nor more than one hundred dollars, or be imprisoned in the county jail not more than sixty days or both, at the discretion of the court trying the same; one half of the fine to be paid to the informer, the balance to be paid into the common school fund of said county.

Approved, February 7, 1870.

No. 82.]

AN ACT

To authorize the commissioners courts of Sumter, Perry and Greene counties to levy a special tax upon the property in said counties for the purpose of working the public roads in said counties.

County com-
missioners of
Sumter, Perry
and Greene to
levy special
tax.

Be it enacted by the General Assembly of Alabama, That the commissioners courts of Sumter, Perry and Greene counties be and they are hereby authorized to levy a special tax upon all the taxable property, real and personal, in said counties, for the purpose of work-

ing and keeping in good order all the public roads in said counties.

SEC. 2. *Be it further enacted*, That the said courts of county commissioners are authorized and empowered to receive contracts from any person or persons to work said public roads, and to let out the contract to such person or persons as they may deem in their judgment to be the best interest of the counties. May make contracts.

SEC. 3. *Be it further enacted*, That the said courts of county commissioners are authorized and required, upon the certificate made before the probate judge of said counties, of the compliance of the party contracted with, for the purpose of working and keeping in good order such public roads, to issue a warrant upon the county treasurer for the payment of the amount due said party for such work, to be paid out of the funds collected from the levy of said special tax. To issue warrant for work done.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed, so far as they apply to Sumter, Perry and Greene counties. Conflicting laws repealed.

Approved, February 7, 1870.

No. 83.]

AN ACT

To provide for the holding of a chancery court for the county of Etowah.

Be it enacted by the General Assembly of Alabama, That hereafter the county of Etowah shall be added to, and constitute a part of, the eastern chancery division of Alabama, and shall compose district number eleven of said division. Etowah added to eastern chancery division.

SEC. 2. *Be it further enacted*, That the terms of the chancery court in said eleventh district, shall be held at the place of holding the circuit courts for said county, on the sixth Monday after the fourth Monday of May, and on the fourth Monday of January in each year, and may continue six days each term. Terms.

SEC. 3. *Be it further enacted*, That it shall be the duty of the chancellor of said eastern division, to appoint a suitable register and master in chancery as in other districts in his said division. Chancellor to appoint register, &c.

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, February 7, 1870.

No. 84.]

AN ACT

To change the time of holding the winter sessions of the chancery court of the tenth district, composed of the county of Cherokee, and for the first district, composed of the counties of Calhoun and Cleburne, and for the second district, composed of the county of Talladega, in the eastern chancery division of Alabama.

Terms of
chancery court
in 10th dist.

1st district.

2d district.

Be it enacted by the General Assembly of Alabama, That hereafter the winter terms of the chancery court of the tenth district, composed of the county of Cherokee, of the first district, composed of the counties of Calhoun and Cleburne, and for the second district composed of the county of Talladega, in the eastern division of Alabama, shall be holden at the times following, to-wit: For said district number ten on the third Monday in January of each year; and for said first district on the first Monday after the fourth Monday in January of each year; and for the said second district on the second Monday after the fourth Monday in January of each year, and each of said terms to continue six days in each of said districts.

Processes,
how return-
ble.

SEC. 2. *Be it further enacted,* That all processes returnable to said court, shall be returned to said courts respectively, at the time herein provided, for the holding of said courts respectively.

Contravening
laws repealed.

SEC. 3. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, February 7, 1870.

No. 85.]

AN ACT

To incorporate the town of Midway, in Bullock county.

Be it enacted by the General Assembly of Alabama, Town of Midway incorporated.
That the town of Midway, in Bullock county, be, and same is hereby incorporated, and the corporate limits of said town shall embrace an area of one half mile, the marginal lines of which shall be equidistant, north, south, east and west, from the center of the present public well in said town. Limits.

SEC. 2. *Be it further enacted,* That an election shall be held in said town on the first Monday in March, eighteen hundred and seventy, and on the same day in each succeeding year, to commence at eleven o'clock, A. M., and close at four o'clock, P. M., for the purpose of electing one intendant, and four councilmen for said town; at which elections all male inhabitants over the age of twenty-one years, who have resided within the corporate limits of said town for three months immediately preceding such election, may vote. The intendant and councilmen shall serve for one year, and until their successors are elected and qualified. The first election shall be held by a justice of the peace, and two inhabitants of the town, and all subsequent elections shall be held by two councilmen, appointed by the council for that purpose. Election of officers. Electors. Term of office. Commissioners's

SEC. 3. *Be it further enacted,* That said intendant and councilmen shall be, and they are hereby constituted a body politic and corporate, by the name and style of "The Town Council of Midway," and by that name may sue and be sued, either in law or equity; and are hereby invested with the following powers, to-wit: To make all needful rules and regulations for their own government; to appoint or elect a marshal, and treasurer and such other officers, as they may deem necessary, and to prescribe the duties, bonds, and qualifications of such officers; to purchase and receive donations of property, real, personal or mixed, to the value of ten thousand dollars, and to hold, manage, and dispose of the same, for the benefit of the town; to open and keep in good order all necessary streets and alleys, public springs and wells; to establish and regulate a market; to preserve the health of the town; to punish all breaches of the peace; to regulate and license shows Name and style. Powers.

of every kind, provided such license shall not exceed the State license on any such shows; to levy and collect a tax, of not exceeding one half of one per cent. upon the value of the taxable property in the town; to regulate, tax and license the vending of intoxicating liquors of every kind within the corporate limits of said town, but not to exceed one hundred dollars per annum on each wholesale dealer, or five hundred dollars on each retailer thereof; to provide for compelling all male inhabitants between the ages of eighteen and forty-five years to work on the public streets and alleys, not exceeding ten days in each year; and to have and exercise all other powers, incident to corporations of this kind, that may be necessary for the good government of the town, and not inconsistent with the constitution or laws of the United States, or of this State; and and may adopt all by-laws or ordinances necessary to carry into effect the foregoing powers; but no by-law or ordinance shall be of force until the same is advertised for ten days by posting a copy thereof in three public places in the town, or by publishing it in some newspaper in Bullock county; and no punishment for any one offense shall exceed a fine of fifty dollars and forty-eight hours imprisonment in the guard house of said town.

Inhabitants
exempt from
road duty.

Oath.

SEC. 4. *Be it further enacted*, That the inhabitants of said town shall be exempt from road duty outside of the corporate limits of said town, and that the intend-ant, councilmen, and all officers appointed by the council, shall, before entering on their duties, take and subscribe the oath of office prescribed by the constitution of this State.

Approved, February 7, 1870.

No. 86.]

AN ACT

To incorporate the town of Wedowee, in Randolph county.

Town of Wed-
owee incorpo-
rated.

Be it enacted by the General Assembly of Alabama, That the town of Wedowee, in the county of Randolph, be, and the same is hereby incorporated with the usual

powers and privileges allowed to towns and villages in this State.

SEC. 2. *Be it further enacted*, That there shall be elected in said town of Wedowee, on the fourth Monday Election. in February, eighteen hundred and seventy, an intendant and four councilmen, and annually thereafter to officer said town by the qualified voters thereof, who may hold their meetings and pass all needful laws, rules Powers of officers. and regulations for the government of said town as may be necessary, not inconsistent with the laws of the United States and the laws of the State of Alabama.

SEC. 3. *Be it further enacted*, That any three freeholders of said town may hold the election provided for Election, how held. in the second section of this act.

SEC. 4. *Be it further enacted*, That when the said election shall be held pursuant to this act, and the town shall be thus duly organized, it shall not be lawful for any person to retail any vinous or spirituous liquors within one mile of the academy in said town, which limits are to be considered the corporate bounds and limitations thereof, and any person who shall violate the provision of this section of this act, shall be deemed guilty of a misdemeanor, and may be indicted and fined in a sum not exceeding two hundred dollars, and imprisonment at the discretion of the court trying the same. Retailing spirituous liquors prohibited. Penalty for violation.

Approved, February 7, 1870.

No. 87.]

AN ACT

To change the county line between the counties of Hale and Marengo.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, "section seventeen, township eighteen, range three, east, the north-east quarter, the north-west quarter, and south-west quarter of section seventeen in said township eighteen and range three, east," be, and the same are hereby detached from Hale county, and attached to Marengo county. Boundary changed.

SEC. 2. *Be it further enacted*, That the tax assessor and tax collector of Marengo county shall assess and

Taxes, how
assessed and
collected.

collect the State and county tax from the proprietor of the above named section and parts of sections, attached to Marengo county, from and after the passage of this act.

Approved, February 7, 1870.

No. 88.]

AN ACT

For the relief of E. T. Bush, guardian of N. H. Harrison.

Guardian may
transfer his
trust.

E. T. Bush
to be account-
able.

Proceedings
requisite.

Probate court
to discharge
L. M. Stone
from trust.

Be it enacted by the General Assembly of Alabama, That Lewis M. Stone, of Pickens county, Alabama, guardian of the property of N. H. Harrison, a non-resident minor, be and he is hereby authorized to turn over the real estate of his ward in Pickens county, Alabama, to E. T. Bush, the guardian of the property and person of said ward, in Noxubee county, Mississippi, and that said Bush account for the rents and profits of said real estate to the probate court of Noxubee county, Mississippi.

SEC. 2. *Be it further enacted,* That before said E. T. Bush shall be authorized to receive and manage said property in Pickens county, Alabama, he shall produce a transcript from the probate court of Noxubee county, Mississippi, as required under section 2443 of the Revised Code.

SEC. 3. *Be it further enacted,* That after said bond is given and the real estate turned over to said Bush, the probate court of Pickens county, Alabama, upon evidence of those facts, shall discharge the said Stone, guardian, from the further execution of said trust.

Approved, February 7, 1870.

No. 89.]

AN ACT

To relieve disabilities of persons against whom a divorce from the bonds of matrimony has been decreed.

Be it enacted by the General Assembly of Alabama, That in all cases where the husband or wife shall be

decreed by a court of chancery in this State to be divorced from the bonds of matrimony, the husband or wife against whom the decree has been rendered shall be deemed and held to be free from all disabilities of marrying again. ^{Disabilities of divorce removed.}

SEC. 2. *Be it further enacted*, That all laws in conflict with, or in restraint of this act, are hereby repealed. ^{Conflicting laws repealed.}

Approved, February 7, 1870.

No. 90.]

AN ACT

To make Hepsabeth Jernegin, wife of Charles Jernegin, of Sanford county, a free dealer.

Be it enacted by the General Assembly of Alabama, That Hepsabeth Jernegin, wife of Charles Jernegin, of Sanford county, be and she is hereby declared a free dealer, that she may contract and be contracted with, sue and be sued, as if she was a *femme sole*; and all money or effects acquired by her labor, industry, or otherwise, shall be free from the debts or liabilities of her husband, and shall belong to her sole and separate estate. ^{Free dealer.}

Approved, February 7, 1870.

No. 91.]

AN ACT

To amend section 16 of "An Act to establish revenue laws for the State of Alabama."

Be it enacted by the General Assembly of Alabama, That section 16 of "An Act to establish revenue laws for the State of Alabama," which is in the following words, to-wit: "That the assessment shall not be commenced until the first day of March in each year, and shall be finished by the first day of July following; partners may be assessed in their joint names, and the property of each shall be liable for the whole tax," be amended so as to read as follows: "That the county assessors may commence their annual assessment on the first of January, and must close the same by the first of ^{Sec. 16 recited Amendment.}

Time of assessment.

May in each year, and are required to make the returns provided for in section 37 of the Revenue Laws of Alabama, on or before the first Monday in May, annually."

Approved, February 7, 1870.

No. 92.]

AN ACT

To empower the commissioners court of Chambers county to issue bonds for the purpose of liquidating the present indebtedness of the county.

County commissioners to issue bonds.

Be it enacted by the General Assembly of Alabama, That the commissioners court of Chambers county shall be, and is hereby authorized and empowered to issue bonds of the county to an amount not to exceed twenty-five thousand dollars, or as much thereof as the said court may deem expedient, payable in five years, or in annual instalments within five years from the date of issue, and bearing eight per cent. interest annually, for the purpose of liquidating the present indebtedness of the county.

Claims to be filed.

SEC. 2. *Be it further enacted,* That all claims of every description and denomination, due from and owing by the county of Chambers prior to the first day of January, Anno Domini, eighteen hundred and sixty-nine, now outstanding and unpaid, are hereby required to be filed and recorded with the judge of probate of said county, (before any such claim shall be allowed or paid,) on or before the first day of the May term of said court, eighteen hundred and seventy; and if any such claims shall not be so filed and recorded within that period, the same shall be disallowed and rejected as a claim against said county.

Special tax.

SEC. 3. *Be it further enacted,* That the commissioners court of said county of Chambers shall be authorized to levy a special tax from time to time to pay the principal and interest on said bonds; and that issuing bonds for non-interest bearing claims against said county of Chambers, they may require an abatement of five per cent. on the amount, on the face of said claims.

Bonds negotiable.

SEC. 4. *Be it further enacted,* That said bonds and the coupons thereto attached shall be negotiable.

Approved, February 7, 1870.

No. 93.]

AN ACT

To enable the commissioners courts of St. Clair, Walker and Choctaw counties respectively, to erect bridges and have public buildings repaired, and to make the same preferred claims against said counties.

Be it enacted by the General Assembly of Alabama, That hereafter all claims for building or repairing bridges, and for repairs done to the public buildings in St. Clair, Walker and Choctaw counties respectively, when done under an order of the commissioners court, be and the same are hereby declared to be preferred claims against said county. Claims for bridges is preferred.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Conflicting laws repealed.

Approved, February 7, 1870.

No. 94.]

AN ACT

To provide tract books for new counties.

Be it enacted by the General Assembly of Alabama, That the Secretary of State is hereby authorized and required to employ some competent person to prepare tract books of the entries of lands for all the new counties created since the termination of the late rebellion, and also for all hereafter created. Secretary of State to have tract books prepared.

SEC. 2. *Be it further enacted,* That for the performance of the service required in the preceding section, the person so employed shall be allowed not exceeding forty cents per record page, and the Auditor of State is required to draw his warrant on the State Treasurer for the same in favor of said person, upon the certificate of the Secretary of State. Compensation

SEC. 3. *Be it further enacted,* That the blank book to be used for copying said entries shall be similar to the present tract books, and to be paid for as heretofore, upon the certificate of the Secretary of State, out of the State treasury, out of any moneys not otherwise appropriated, and the Secretary of State is hereby required to have them procured. Blank books.

Approved, February 8, 1870.

No. 95.]

AN ACT

To relieve Martha Dandridge Moseley from the disabilities of marriage with Andrew B. S. Moseley, &c.

Be it enacted by the General Assembly of Alabama, That Martha Dandridge Moseley, of the county of Talladega and State of Alabama, be and she is hereby relieved of the disabilities of marriage imposed upon her by a decree of the chancery court for Talladega county, Alabama, rendered at the February term of said county, 1869, in a certain cause therein determined, wherein Andrew B. S. Moseley was complainant, and the said Martha Dandridge Moseley was respondent, and that the said Martha Dandridge Moseley be allowed to marry again.

Disabilities
removed.

Approved, February 8, 1870.

No. 96.]

AN ACT

To authorize the Governor of the State of Alabama to grant and cause to be issued letters patent for lots numbers 1, 6, 7 and 8, being three hundred and twenty acres land, (more or less,) of the sixteenth section, in township twenty-two, of range six, east, in Talladega county, to Joseph McGehee and Mrs. Mary E. Armstrong, wife of M. M. Armstrong, adults and heirs-at-law of Joseph McGehee, deceased.

Be it enacted by the General Assembly of Alabama, That the Governor of said State be, and he is hereby authorized to grant letters patent for lots number one (1), six (6), seven (7), and eight (8), containing three hundred and twenty acres land, (more or less,) of the sixteenth section, in township twenty-two, of range six, east, in the county of Talladega, and State of Alabama, and cause the said patent to issue to Joseph McGehee and Mrs. Mary E. Armstrong, wife of M. M. Armstrong, who are the sole heirs of Joseph McGehee, late of said State, deceased, in pursuance of an act of the General Assembly of said State, entitled "An act to regulate permanently the sixteenth section fund," approved the 6th day of March, 1868; and also in pursu-

Patent to issue

aries of the sixteenth section certificate, for the sum of eight hundred and thirty-five and 90-100 dollars, issued to the school commissioners of the said sixteenth section, by his Excellency R. Chapman, Governor of Alabama, on the first day of April, A. D. 1848, and also in pursuance of the act of said Alabama Legislature, entitled "An act to authorize the sales of sixteenth sections, and for other purposes," approved January 15th, 1828.

Approved, February 8, 1870.

No. 98.]

AN ACT

To authorize the holding of an election in Colbert county, for the purpose of electing county officers therein.

Be it enacted by the General Assembly of Alabama, That J. C. Gudloe, Thomas Buchanan, Robert Matlock, and James Abernathy, are hereby made commissioners for the purpose of organizing the county of Colbert. Commissioners.

SEC. 2. *Be it further enacted,* That it shall be the duty of said commissioners, or any of them, to cause an election to be held at the several precincts within the boundary of said county, on the first Monday in March, 1870, for such county officers as are or may be authorized by law to be elected by the people of each county in the State. The managers of said election shall be appointed by said commissioners or any of them, and the managers of said election shall be governed by the same laws which now govern the managers of elections in this State. The said managers shall also make and certify the returns of said election to said commissioners, who shall certify said returns to the Secretary of State. And such officers as may be elected shall be commissioned in the same manner as is now provided by law for such officers; and such officers shall give bond, before entering upon the duties of their respective offices as the law provides. The commissioners aforesaid, before entering upon the duties herein provided for, shall take an oath before a justice of the peace, or some other duly qualified officer, that they will faithfully and impartially discharge the duties incumbent upon them as commissioners aforesaid. Election.
Managers.
Returns.
Officers to be commissioned
Official bond.
Commissioners' oath.

Election to
be advertised.

SEC. 3. *Be it further enacted*, That the said commissioners shall cause the said election to be advertised at least twenty days before the holding thereof; *Provided*, That said commissioners shall designate in said advertisement, the places of voting in said election.

Who shall vote

SEC. 4. *Be it further enacted*, That at said election all persons residing within the bounds of said county, who are now, or may be at the time of voting, qualified voters, shall be entitled to vote without threat, fear or intimidation, otherwise said election shall be null and void.

Approved, February 4, 1870.

No. 99.]

AN ACT

To incorporate Uniontown in Perry county, Alabama.

Corporation
of Uniontown.

Be it enacted by the General Assembly of Alabama, That the corporation of Uniontown shall hereafter consist of an intendant and four councillors, and shall be known and styled as "The Intendant and Council of the Town of Uniontown," and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal, which may be broken or altered at pleasure.

Corporate
limits.

SEC. 2. *Be it further enacted*, That the corporate limits and boundaries of the town of Uniontown, in the county of Perry, shall be, and the same are hereby designated and established, as follows: That the corporate limits of said town embrace one half mile square, the public cistern, where it now is, to be the centre of the same, and the lines defining said corporate limits to be run east and west, north and south.

Election.

SEC. 3. *Be it further enacted*, That on the first Monday in March next, and in each and every year thereafter, an election by ballot for the intendant and four councillors, resident land or householders, shall be held at some public place in said town, the persons having and receiving the largest number of votes for said offices shall be declared elected thereto, and shall, after having

been duly qualified, serve as such for one year from the date of their election, and until their successors are qualified, and if there shall be any equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of intendant or councillors, or any or either of them shall be prevented thereby, the managers of said election shall declare the fact, and shall forthwith order a new election, after giving ten days notice thereof, to fill the vacancy occasioned by those having an equal number of votes. The first election shall be held and managed by James H. Hinton, A. R. Coleman, John Beadfield, L. A. Morgan and L. P. Mounemacher, and all subsequent elections shall be held by two of the councillors, to be appointed by the board for that purpose.

Term of office.

In case of tie.

Commissioners.

SEC. 4. *Be it further enacted*, That the intendant and councillors shall severally, before they enter upon the duties thereof, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favor, affection, or partiality; a certificate of which oath shall be filed with the clerk of the board of councillors.

Oath.

SEC. 5. *Be it further enacted*, That the intendant and councillors shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and publish the same, together with all laws and ordinances, when so ordered by the board.

Clerk of corporation.

SEC. 6. *Be it further enacted*, That all male inhabitants above the age of twenty-one years, who shall have resided within the limits of said town, three months immediately preceding an election for intendant and councillors, and all male householders or freeholders therein, above the age of twenty-one years, shall be deemed qualified electors at such election.

Qualified voters.

SEC. 7. *Be it further enacted*, That whenever vacancies shall occur in the board of intendant and councillors, such vacancy or vacancies shall be filled by the remaining members of the board, and the person or persons chosen to fill such vacancy or vacancies, shall, after being duly qualified, remain in office until the next regular election, and until their successors are qualified,

Vacancies; how filled.

SEC. 8. *Be it further enacted*, That the intendant and councillors shall have power and authority to pass all such ordinances and resolutions, and make all such regulations, as may by them be deemed necessary for the

Powers of officers.

Proviso.

good order and government of said corporation, which may extend to the preservation of health; to prevent and remove nuisances, to license, restrain and tax theatrical amusements, shows and circuses within the corporation; to restrain and prohibit gambling, drunkenness, profane swearing, or other obscene or unlawful language, assault and battery, and all other breaches of the peace; appoint night watches and patrols; to cleanse and keep in repair the streets of said town; to remove and prohibit trespasses on the same; to levy, assess and collect taxes upon all property within said corporation, including poll taxes; to grant licenses to, and tax merchants and auctioneers, auction sales, sales of merchandise, capital employed in business, and income, within said corporation; *Provided*, That no tax shall be at any time collected, greater than that laid on the same subject matter of taxation by the revenue laws of the State; and the taxes and dues assessed, pursuant to the powers herein granted, shall have the force of a judgment at law against the person or persons assessed with the same; to grant licenses to retailers of spirituous liquors, keepers of billiard tables, and other places for public amusement, upon such conditions as they may prescribe; to prevent the introduction or spread of contagious or infectious diseases; to restrain or prohibit all disorderly or unlawful assemblies; to arrest and punish vagrants; to punish violations of the Sabbath; to suppress houses of ill-fume, and punish prostitutes; to establish work-houses and houses of correction; to establish and regulate markets; to license, tax and regulate hackney coaches, carriages, wagons, carts and drays; to license and tax keepers of livery stables; and generally to pass all such by-laws and ordinances not contrary to the constitution and laws of the State, as they shall deem expedient and necessary to carry into effect the meaning and intention of this act; to impose and appropriate fines, forfeitures and penalties for the breach of their ordinances or by-laws; provided no fine, forfeiture or penalty for any one offense, shall exceed fifty dollars; in case of the inability of any person upon whom any fine or penalty has been imposed, to satisfy said fine or penalty, and the costs thereof, to sentence such person to labor for said town for such period, not exceeding ninety days for any one offense, as may be deemed equivalent to such penalty and costs, which said labor shall be

designated by the said intendant and councillors, and under such regulations, police and superintendents as they may provide. The said intendant and councillors shall have power to appoint a treasurer, assessor, collector, constable and such other officers as they may deem necessary, and require of them, severally, good and sufficient bonds, and to annex such fees or salary to the several offices as they may see fit, and to fix by ordinance the salary of the intendant.

May appoint
officers.

SEC. 9. *Be it further enacted*, That the intendant and each member of the board is hereby authorized and required, for all breaches of the by-laws and ordinances of said town, committed in his view, or upon complaint verified by affidavit, that such offense has been committed, to cause the party offending to be arrested by the constable and brought before the intendant, or some one of the councillors, to answer for said offense, and if upon conviction of said offense, the guilty party shall fail to pay the fine or penalty assessed against him, execution shall issue to the constable of said town, of the goods and chattels of the offender to make the amount of the fine and costs.

Duties of
members of
board.

SEC. 10. *Be it further enacted*, That all persons residing within the corporate limits of said town, who shall pay the poll tax imposed by the town ordinance, shall be exempt from working on the streets and on the public roads beyond the limits of the corporation.

Exemption
from work on
the road.

SEC. 11. *Be it further enacted*, That the intendant of said town shall be, and he is hereby authorized and empowered to exercise all the jurisdiction, duties and powers which appertain to and are exercised by justices of the peace in Perry county, and shall be subject to the same penalties and liabilities; and the said intendant and each and every one of the councillors, shall, in all cases of assaults, assaults and batteries, and affrays, in which no stick or other weapon is used, occurring in said town, and in cases of larceny in said town, where the value of the commodity, which is the subject of the crime, does not exceed ten dollars, have and exercise, concurrently with justices of the peace and the county court, jurisdiction of the said offenses; and all fines and penalties imposed by virtue of this authority, shall be paid into the town treasury, and the intendant and councillors shall have the same power to enforce the collection of said fines, or to cause the offenders to perform

Jurisdiction
and powers of
intendant.

Powers of
councillors.

an equivalent in labor for the corporation, as in cases of violation of the by-laws and ordinances of the town.

Powers of constable. SEC. 12. *Be it further enacted*, That the constable authorized to be appointed by this act, shall possess all the powers, and be authorized and required to perform all the duties which other constables of said county are, and shall be subject to the same penalties and liabilities. He shall give bond with approved security, in such amount as may be required by the intendant and councillors, for the faithful performance of his duty, which said bond shall be filed in the office of the probate judge of Perry county.

Shall give bond. SEC. 13. *Be it further enacted*, That if any person against whom a fine or penalty shall have been assessed by the intendant or councillors, or either of them, shall be dissatisfied with the decision, he may forthwith appeal to the circuit court of Perry, but shall give bond with good security, to pay and satisfy the judgment with costs, in case the judgment shall be affirmed by said circuit court, and the proceedings thereon shall be as prescribed by law in other cases of appeal, and in case of the death of the person appealing, the action may be revived in name of his personal representative.

Right of appeal. SEC. 14. *Be it further enacted*, That this act shall not go into effect or be of force until accepted and ratified by the people of the town of Uniontown, and to ascertain the sense of the voters, the persons hereinbefore named to conduct the election on the first Monday in March for town officers, shall, at the same time and place, in such manner as they may prescribe, take the vote of the persons who, by this charter, shall be qualified to vote upon its adoption or rejection, and should a majority of those voting vote for the acceptance and ratification of this charter, the same shall then, and from thenceforth, be in full force.

This act not of force until ratified. SEC. 15. *Be it further enacted*, That all laws and parts of laws heretofore affecting or relating to the corporation of Uniontown, Alabama, be and the same are hereby repealed.

Conflicting laws repealed.

Approved, February 7, 1870.

No. 100.]

AN ACT

To amend an act entitled "An Act to establish revenue laws for the State of Alabama.

Be it enacted by the General Assembly of Alabama,
That section twenty-four of "An Act to establish revenue laws for the State of Alabama," approved December 31st, 1868, which is in the following words: Sec. 24 recited

to-wit: "That the president and secretary of every railroad company, whose track or road bed, or any part thereof, is in this State, shall annually, in the month of April, return to the Auditor of State, under their oaths, the total length of such railroad, the total length and value of such road, including right of way, road bed, side-track and main track in this State, and the total length and value thereof in each county, city and incorporated town in this State; they shall also make returns of the number and value of all their locomotive engines, passenger, freight, platform, construction and other cars, and the value thereof shall be apportioned by the Auditor pro rata to each mile of main track, and the Auditor of State shall notify the assessors of each county through which such railroad runs, of the number of miles of track and value thereof, and the proportionate value of personal property, taxable in their respective counties, and to such values thus apportioned, the assessor shall add the value of all other real property, except the land donated by Congress and herein exempted, together with all fixtures, machinery, tools and other property within their respective counties, and upon the value thus ascertained, taxes shall be assessed, the same as upon the property of individuals, and any agent of said company is authorized to pay such tax to the collector, and retain the amount out of any money in his possession belonging to such road," be and the same is hereby amended so as to read as follows:

Be it further enacted, That the president and secretary Amendment
or receiver of every railroad company, whose track or road bed, or any part thereof, is in this State, shall annually, in the month of April, return to the Auditor of State, under their oaths, the total length of such rail-

road, the total length and value of such roads, including Returns to auditor.
right of way, road bed, side track, and main track in his State, and the total length and value thereof in

each county, city and incorporated town in this State ; they shall also make return of the number and value of all their locomotive engines, passenger, freight, platform, construction and other cars, and the total value so ascertained shall be submitted by the Auditor to the board of equalization, as provided in section 24 of the act aforesaid, and the same shall be assessed for State purposes only, by the Auditor, the same as the property of individuals, and the tax shall become payable by each railroad company to the Auditor, and shall be subject to the same rules and penalties as are prescribed for payment of other State taxes, and the Auditor shall be entitled to any and all remedies granted in the aforesaid act to tax collectors ; *Provided, however,* The president, secretary or receiver of each railroad company shall make a full return to the tax assessor of each county through which the said road may be located, of all real property, except the lands donated by Congress and herein exempted, together with station houses and machine shops, and also lands outside of the right of way.

Auditor to submit to the board of equalization.
Tax for State purposes only.
Rules and penalties.
Returns to county assessors.

SEC. 2. *Be it further enacted,* That the tax now levied by the several counties of the State upon railroad property, as certified from the Auditor's office for the tax year 1869, and all the penalties which may have been incurred therein is hereby released, provided that the railroad companies shall pay State and county taxes upon the property enumerated for assessment by the county assessors, as described in the proviso to the first section of this act.

Taxes of 1869 released.
Proviso.
Taxes, when payable.
When delinquent.
Added 10 per cent.
Taxes of 1869.

SEC. 3. *Be it further enacted,* That all taxes provided for in this act, shall become due and payable on the first day of January of each year, and shall become delinquent on the first day of February in each year, and on the second day of February there shall be added to, and collected with, all delinquent taxes, a penalty of ten (10) per cent. on the amount of such delinquent taxes ; *Provided,* That the tax for 1869 shall become delinquent on the first day of March, 1870, and the penalty shall attach from and after March 2d, 1870.

SEC. 4. *Be it further enacted,* That no tax under the provisions of this act shall be assessed or collected upon any railroad now being constructed, or which may hereafter be constructed, until twenty miles of such road shall be completed and in operation. The provisions of

No tax until
20 miles are
completed.

this section, however, shall not apply to any railroads which are less than twenty miles in length. Roads, exempted.

SEC. 5. *Be it further enacted*, That all laws or parts of laws now in force, in conflict with this act, are hereby repealed. Conflicting laws repealed.

Approved, February 9, 1870.

No. 101.]

AN ACT

To loan the credit of the State of Alabama to the Alabama and Chattanooga Railroad Company, for the purpose of expediting the construction of the railroad of said company within the State of Alabama.

Be it enacted by the General Assembly of Alabama, That for the purpose of expediting the construction of the railroad of the Alabama and Chattanooga railroad company within the State of Alabama, the Governor of the State of Alabama be, and he is hereby required, on the application of the Alabama and Chattanooga railroad company, to issue the bonds of the State of Alabama to an amount not exceeding two millions of dollars, in favor of the said Alabama and Chattanooga railroad company, bearing interest at the rate not exceeding eight per cent. per annum, which said interest shall be payable semi-annually in currency or coin, and the bonds shall be payable at the expiration of not less than fifteen nor more than thirty years; *Provided, however*, That said bonds shall be issued from time to time to, and in favor of the said Alabama and Chattanooga railroad company, only in such sums as shall be shown by sufficient evidence to the Governor of the said State, to have been expended by the said Alabama and Chattanooga railroad company, in the construction and equipment of its said railroad, in addition to and besides the proceeds of the bonds endorsed by the State, which the said railroad company shall have received under the laws of the said State now in force; *And, provided further*, That the Governor of the said State shall only issue said bonds upon receiving in exchange therefor an equal amount of first mortgage bonds of said railroad company, bearing the same rate of interest as the above-mentioned State bonds, and secured by first mortgage upon the lands Governor required to issue bonds.

8 per ct. interest semi-annually.
15 to 30 years.

When to be issued.

Company's first mortgage bonds to equal amount registered.

granted by the United States to said railroad company, and upon any interest which said company now has or may hereafter lawfully acquire in or to said lands, with this reservation, that the said Alabama and Chattanooga railroad company shall have the privilege and right of selling said lands, or any part thereof, in accordance with the act of Congress granting the same ; *Provided, however,* That the proceeds of said sales shall be appropriated to the payment of the aforesaid first mortgage bonds of the said railroad company, issued to the State ; *Provided further,* That the Governor shall require said railroad company, before issuing to said company said bonds, to give to the State of Alabama a first mortgage on the telegraph line and telegraph offices along the line of said road, belonging to said company ; also on the machine shops, and all other property in the State, and in Georgia, Tennessee and Mississippi, belonging to said company ; also, on all coal mines now open, or hereafter to be opened and worked, belonging to said company ; also, upon all iron or other mineral lands, and all iron manufacturing establishments now in operation, and hereafter to be constructed ; *Provided further,* That the directors or other officers and incorporators and stockholders of said railroad company, who shall knowingly violate, or permit the violation without objection, any provision of this act, or of the act under which said company is now receiving the endorsement of the State upon its bonds, of sixteen thousand dollars per mile, shall be held personally liable to the State for any loss incurred thereby ; *And provided further,* That if, in the opinion of the Governor of the said State, the above first mortgage bonds shall not be sufficient to amply secure the State from all harm and loss for the issue of the above-mentioned State bonds to said railroad company, then he shall require of said railroad company, and said railroad company shall give such additional amount of the second mortgage bonds of said railroad company, secured by second mortgage on its railroad, outfit, equipment, iron, road-bed and all other property, as in his judgment will be amply sufficient to secure and protect the State from any loss by the issue of said State bonds ; and the first mortgage bonds of said corporation, mentioned in this section, delivered to the State under the provisions of this section, both principal and interest, shall be payable at the treasury of

Privilege of
sale restored.

Processes of
sale, how ap-
plied.

Governor to
take mortgage
on all property
ty.

Penalty for
permitti'g vio-
lations.

Governor may
require addi-
tional bond.

Bonds of
company, how
payable.

the State of Alabama, and the coupons for the interest on said last named bonds shall be made payable thirty days before the corresponding coupons shall be payable on the State bonds delivered to said company, so that the interest to be paid on said State bonds shall be thus provided for by the payment of the interest on the bonds of said railroad company; *Provided*, That the bonds issued by virtue of this act, shall not be sold for a less sum than ninety cents on the dollar; *Provided*, That no money accruing from the sales of the bonds specified in this act, or bonds endorsed by the State for said railroad company, shall be applied in the construction or equipment of any railroad outside of this State, or for other purposes; *And provided further*, That as a condition on which the aid is granted by this act, the Alabama and Chattanooga railroad company shall not charge more than four cents per mile for each passenger travelling over its line, and shall not charge more than twenty-five per cent. higher rates for carrying local freight than for carrying through freight; *Provided*, That the loan and endorsement to the said Alabama and Chattanooga railroad shall cease if the entire line between Meridian and Chattanooga shall not have been finished by the first day of March, 1871.

Limitation as to the sale of bonds.

Proceeds of bonds to be used in State.

Charges for freight and passage limited.

Road to be completed by March 1, 1871.

SEC. 2. *Be it further enacted*, That the aid granted in the foregoing section of this act shall be accepted upon the following conditions: That said company shall, from and after five years from date of the bonds provided to be issued in the foregoing section, set aside as a sinking fund, one per cent. of the amount of said bonds, which said amount shall be so set aside every year until the tenth year, when two per cent. shall be set aside every year until the fifteenth year; then three per cent. shall be set aside until the twentieth year; and after the twentieth year, four per cent. shall be provided and set aside each year until the maturity of the debt, which said sinking fund shall be applied by said company regularly as it is provided and set aside to the purchase of their bonds, under the foregoing provisions of this act, which said bonds shall be presented to the auditor of the State, by him cancelled and returned to said company; and such presentation and cancellation of said bonds, to the amount required each year, shall be a full compliance with the provisions of the foregoing section of this act.

Sinking fund provided for.

Bonds to be cancelled by auditor.

SEC. 3. *Be it further enacted,* That before any bonds of the State shall be delivered to the said Alabama and Chattanooga railroad company under this act, the said company shall, in addition to what is hereinabove required of it, deliver its bond or bonds, with such undoubted personal security as shall be approved by the Governor of this State, and in such amount or amounts as he may prescribe, not less in the aggregate than the total amount of the bonds of the State, which said company may be entitled to receive under this act; conditioned that the entire line of said railroad of said company within the State shall be completed and equipped in first class style, and the cars running thereon, on or before the first day of June, 1871; and that if the said entire line is not so completed and equipped and the cars running thereon, on or before the said first day of June, 1871, the obligors on said bond or bonds required by this section of this act, shall thereupon and immediately become liable jointly and severally to the State of Alabama for the entire amount of the bonds of the State which said company may receive under this act.

Personal security required

Conditions of bonds.

Materials to be purchased in Alabama.

SEC. 4. *Be it further enacted,* That it is hereby made the duty of said company to purchase all the materials which it may need in the construction and equipment of its said road from residents of this State, whenever it can do so, at prices as low as such materials can be purchased out of the State, and without subjecting itself to any delay in the construction or equipment of its road.

Approved, February 11, 1870.

No. 102.]

AN ACT

To authorize the Governor to fill vacancies in the office of chancellor in certain cases.

Be it enacted by the General Assembly of Alabama, That vacancies in the office of the chancellor of the court of chancery shall be filled by appointment by the Governor, and the person so appointed by him shall hold office until the next election day appointed by law for election of chancellor, and until his successor shall have been elected and qualified.

Governor to fill vacancies in the office of chancellor.

SEC. 2. *Be it further enacted*, That this act shall When to take effect.
take effect from and after its passage.

Approved, February 11, 1870.

No. 102.]

AN ACT

To prohibit the sale or giving of vinous or spirituous liquors on or about any part of the Cornwall Iron Works, or on or about any part of the cooling grounds, in the use, possession, or under the control of the said Cornwall Iron Works company, in Cherokee county.

Be it enacted by the General Assembly of Alabama, That it shall not be lawful for any person to vend or give away any vinous or spirituous liquors except as Spirituous liquors prohibited. medicine, administered in good faith as per the prescription of a practicing physician, at or about the Cornwall Iron Works, in Cherokee county, or within one mile of said works, or on or about any part of the cooling grounds, in the use, possession, or under the control of the said Iron Works company; whether the said vinous or spirituous liquors are given or delivered for a consideration or not.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the first section of this act is Penalty for violation. liable to be indicted therefor; and on conviction, must be fined in a sum not less than fifty dollars, and not exceeding five hundred dollars; and if he fail presently to pay the fine and cost, he must be sentenced by the court In case of failure to pay fine. to work on the public highways in Cherokee county, for such time as in the opinion of said court the fine and cost can be discharged, at the rate of two dollars per day; or he must be imprisoned in the county jail for such time as will pay the fine and cost, at the rate of two dollars per day.

Approved, February 11, 1870.

No. 104.]

AN ACT

For the relief of certain citizens of Covington county,
and for other purposes.

Changes in
assessments
void.

Be it enacted by the General Assembly of Alabama, That the changes made by the board of equalization in Covington county, in the assessment of the State and county taxes, on Saturday, the thirteenth day of November, 1869, are hereby made void.

Extra taxes
to be refunded

SEC. 2. *Be it further enacted,* That all persons from whom any extra State and county or special tax have been, or may hereafter be collected by any changes made on the assessors' books on the day above mentioned, shall receive from the tax collector any and all moneys thus collected, giving their receipt for the same.

Act not ap-
plicable to
changes in Au-
gust.

SEC. 3. *Be it further enacted,* That this act shall not be so construed as to affect any change made by the board which met in August, of the year 1869, as directed by law.

Approved, February 11, 1870.

No. 105.]

AN ACT

To repeal a certain act therein named.

Act to incor-
porate repeal-
ed.

Be it enacted by the General Assembly of Alabama, That an act passed by the Legislature of Alabama, at the session of 1859 and 1860, to incorporate the Male and Female Academy at Autaugaville, be and the same is hereby repealed.

Approved, February 11, 1870.

No. 106.]

AN ACT

To authorize the Secretary of State to issue a patent to
Matthew Bronson.

Secretary of
State to issue
patent.

Be it enacted by the General Assembly of Alabama, That the Secretary of State be, and he is hereby authorized to issue to Matthew Bronson a patent for the

south-east quarter of section sixteen, of township six, of range twenty-one, east, in Coffee county.

Approved, February 11, 1870.

No. 107.]

AN ACT

To amend chapter three, and to repeal chapter four, title eleven, of the Revised Code, establishing an institution for the deaf and dumb, and blind persons of this State.

Be it enacted by the General Assembly of Alabama, Sec. 1025 of Revised Code amended.
That section ten hundred and twenty-five of the Revised Code, which reads as follows: "There must be an institution in this State for the education of deaf and dumb persons," be amended so as to read as follows: Blind included
There shall be established in this State an institution for the education of the deaf and dumb and the blind.

SEC. 2. *Be it further enacted,* That section one thousand and twenty-six, which reads as follows: "Gabriel B. DuVal, the superintendent of public education in this State, and his successors in office, together with four other persons to be appointed as hereinafter provided, are made a body corporate with the rights of succession forever, by the name of the 'Alabama Institution for the Deaf and Dumb;' and in that name they may hold property, real and personal, by gift, devise, or any other manner, for the purposes aforesaid; they may sue and be sued in that name, contract and be contracted with, and they may have and use a common seal, and break or alter the same at pleasure; and they have all the powers necessary and proper to accomplish the purposes of this chapter; and they may locate such institution, and purchase a site therefor, together with the necessary buildings, or cause the same to be erected"; be amended, by inserting after the words "deaf and dumb," the words, "and the blind." Sec. 1026 of Revised Code amended. Blind included

SEC. 3. *Be it further enacted,* That section one thousand and twenty-eight, which reads as follows: "A majority of such board may act, and may meet and adjourn from time to time as in their judgment the interests of the institution may require. They must appoint a secretary, and keep a complete record of all their proceedings in." Sec. 1028 of Revised Code amended.

a well bound book. The superintendent of public education for this State is the treasurer of such institution, by virtue of his office. He must attend to receiving and holding the funds of the institution, and paying them out, as hereinafter directed; and he and his securities shall be responsible on his official bond for all funds which may come into his hands under the provisions of this chapter," be amended by striking out all from and including the words, "the superintendent of public education for this State," and inserting the following: They shall also appoint a treasurer, who shall give bond in such amount as said board may determine, with security such as may be deemed sufficient by said board, for the faithful discharge of his duties as such treasurer; and he and his securities shall be responsible for all funds which may come into his hands as such treasurer.

Amendment.

Treasurer to be appointed.

Sec. 1082 of Revised Code amended.

SEC. 4. *Be it further enacted*, That section one thousand and thirty-two, which is as follows: The "main object of this institution shall be to afford the means of education to the indigent deaf and dumb of this State. Application for their admission must be made to the board of commissioners in writing, and must state the name, age, place of birth, and present residence, how long the applicant has been a resident of this State, and that he is deaf and dumb, and that the applicant or his family is unable to pay his board and tuition. This application must be sworn to by the applicant, or by some one cognizant of the facts, and filed with the board; thereupon the board shall, if they deem the proof sufficient, cause an order to be entered on the record of their proceedings, admitting such applicant, a certified copy of which shall be delivered to the applicant or his parent, guardian, or friend, who shall thereupon be admitted as a member of such institution for the period of time specified in the certificate," be amended by inserting after the words "deaf and dumb" where they first occur in said section, the words, "and blind persons," and by inserting after the words "deaf and dumb" when they next occur, the words "or blind."

Amendment.

Blind included

Corporators.

SEC. 5. *Be it further enacted*, That in addition to the four persons named in said chapter three as corporators, the Governor of this State be, and he is hereby made a corporator of said institution; and the said Governor of this State shall nominate, and by and with the consent of the senate, appoint three other persons as corpora-

tors of said institution, who, together with the Governor, shall be invested with all the powers of the original incorporators. Governor to nominate incorporators.

SEC. 6. *Be it further enacted*, That the sum of five thousand dollars, annually, is hereby appropriated, in addition to the amount appropriated in section one thousand and thirty-one of said chapter three of the Revised Code, for the support of such institution. \$5,000 additional annual appropriation

SEC. 7. *Be it further enacted*, That the sum of three thousand dollars be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purchase of books, apparatus, and musical instruments for such institution, and for making the necessary repairs on the buildings and premises belonging to said institution; the said sum to be expended under the direction of the board of commissioners of said institution. \$3,000 for purchase of books &c.
Money, how expended.

SEC. 8. *Be it further enacted*, That section one thousand and thirty-six, one thousand and thirty-seven, one thousand and thirty-eight, and one thousand and thirty-nine, of chapter four, title eleven, of the Revised Code, be, and the same are hereby repealed. Section repealed.

Approved, February 11, 1870.

No. 108.]

AN ACT

Supplementary to an act to form a new county, to be called Geneva, approved December 26th, 1868.

Be it enacted by the General Assembly of Alabama, That all that portion of Alabama, lying south of township one, of ranges nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, as far as the Florida line, be included in the county of Geneva, thereby making the Florida line the southern boundary line of Geneva county. Geneva county extended to Florida line.

Approved, February 11, 1870.

No. 109.]

AN ACT

To divide Geneva county into four commissioners' districts.

Districts.

Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Geneva county shall divide said county into four districts, from each of which there shall be elected one member of said court, and who shall be at the time a citizen of the district for which he is elected.

Powers of
commissioners

SEC. 2. *Be it further enacted,* That the court of county commissioners be, and is hereby invested with full powers to make all orders and regulations necessary to put into force the first section of this act.

Vacancies
filled by elec-
tion.

SEC. 3. *Be it further enacted,* That whenever a vacancy occurs in any district, the court of county commissioners shall order an election in said district for the purpose of filling said vacancy.

Contravening
laws repealed.

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act be, and are hereby repealed as to Geneva county.

Approved, February 11, 1870.

No. 110.]

AN ACT

To amend an act approved February 15th, 1854, incorporating the La Place Collegiate Institute, in Macon county, Alabama.

Section re-
voted.

Be it enacted by the General Assembly of Alabama, That the first section of the act, approved February 18th, 1854, incorporating the La Place Collegiate Institute, which reads as follows, viz: "That James S. Roberts, N. B. Cloud, and Philip Lightfoot, and their associates, be, and they are hereby incorporated under the name and style of "The Trustees of the La Place Collegiate Institute of Macon county," and by that name shall have all the powers and privileges of private corporators, as provided in the Code of Alabama, be, and the same is hereby amended, so as to read, "their successors in office, be, and they are hereby incorporated,"

Amendment.

&c. ; and that the said act in all other respects remain in full force and effect.

Approved, February 11, 1870.

No. 111.] AN ACT

Relating to the place of meeting of the stockholders of the Alabama and Chattanooga railroad company.

Be it enacted by the General Assembly of Alabama, Stockholders may meet in
That the meetings of the stockholders of the Alabama or out of the
and Chattanooga railroad company may be held either State.
within or without the State of Alabama.

Approved, February 14, 1870.

No. 112.] AN ACT

Relating to bills of exceptions.

Be it enacted by the General Assembly of Alabama, Bills of ex-
That bills of exceptions in the several counties of this ception in va-
State, in which such bills are or were by law authorized cation good.
to be signed, shall be of the same force and have the
same effect if signed in pursuance of an agreement of
counsel of the parties, notwithstanding they may have
been signed in vacation, as if they had been signed in Applicable to
term time, at the term when the judgment was rendered. former judg-
This bill shall apply to judgments heretofore rendered, ments.
and to bills of exceptions heretofore signed.

Approved, February 14, 1870.

No. 113.] AN ACT

For the relief of Marcian A. Johnston, of Barbour county, Alabama.

Be it enacted by the General Assembly of Alabama,
That Marcian A. Johnston, of the county of Barbour, a Disabilities
minor, notwithstanding his minority, be and he is hereby of non-age re-
moved.

authorized to sue and be sued, contract and be contracted with, to purchase and convey real and personal property, and to make all contracts, and to do and perform all acts as fully and effectually as he could or might do if he were of the full age of twenty-one years.

Approved, February 14, 1870.

No. 114.]

AN ACT

To provide for the extension of certain State bonds, due and payable in London on the first day of June, 1870.

Governor to
renew bonds
due in 1870.

Be it enacted by the General Assembly of Alabama; That the Governor be, and he is hereby authorized to renew the bonds of the State of Alabama, issued in pursuance of the act entitled "An Act to extend the public debt about to fall due," approved January 16, 1850, payable in London on the first day of June 1870, and bearing interest at the rate of six per cent. per annum.

Renewed
bonds, when
payable.

How made:

Coupons:

Six per cent.

SEC. 2. *Be it further enacted;* That the bonds given in extension under this act shall be payable on the first day of June, 1880; to the financial agent or agents of the State of Alabama, in their official capacity, and by them endorsed in the same capacity, and renewable at the pleasure of the State, and shall be signed by the Governor, Auditor and Treasurer, and the great seal of the State shall be affixed thereto; coupons shall be attached for the payment of interest annually, on the first day of June in each year, at the rate of six per cent. per annum, which said coupons shall be signed by the Treasurer of the State of Alabama, or such person as the Governor may appoint for the purpose.

To be regis-
tered.

SEC. 3. *Be it further enacted,* That the Auditor shall register, number and keep a correct account of the bonds issued and disposed of under this act.

Appropriation
for ex-
penses.

SEC. 4. *Be it further enacted,* That the expenses incurred in carrying this act into effect shall be paid upon the order of the Governor of the State of Alabama, and on a warrant drawn by the Auditor on the Treasurer of the State, out of any money in the treasury not otherwise appropriated.

Approved, February 17, 1870.

No. 115.]

AN ACT

To repeal so much of section 750 of the Revised Code of Alabama, as relates to the times of holding the circuit courts in the twelfth judicial circuit, and to fix the times of holding the circuit courts in the twelfth judicial circuit.

Be it enacted by the General Assembly of Alabama, That so much of section seven hundred and fifty of the Revised Code of Alabama, as relates to the times of holding the circuit courts in the twelfth judicial circuit, be and the same is hereby repealed. Sec. 750 Revised Code repealed in part.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the circuit courts in the twelfth judicial circuit shall be held at the following times and places, to-wit: In the county of Cherokee, on the first Monday in March and September, and continue two weeks; in the county of Cleburne, on the fourth Monday in March and September, and continue one week; in the county of Calhoun on the first Monday after the fourth Monday in March and September, and continue three weeks; in the county of St. Clair, on the fourth Monday after the fourth Monday in March and September, and continue one week; in the county of Etowah, on the fifth Monday after the fourth Monday in March and September, and may continue until the business of the court is disposed of. Terms of court in 12th circuit. Cherokee. Cleburne. Calhoun. St. Clair. Etowah.

SEC. 3. *Be it further enacted,* That after the passage of this act, all summons, executions, subpoenas, commissions, and other process issued from any of the circuit courts of the twelfth judicial circuit, as now provided by law, shall be taken and held returnable to the terms of said courts, as by this act provided. Process, how returnable.

Approved, February 14, 1870.

No. 116.]

AN ACT

Fixing the compensation of the Treasurer of Clarke county.

Be it enacted by the General Assembly of Alabama, That the compensation of the county treasurer of Clarke Compensation

county, be and the same is hereby declared to be five per cent. on all moneys paid out by him for county purposes.

Approved, February 14, 1870.

No. 117.]

AN ACT

To legalize the acts, contracts, suits and transactions to which Thomas L. Holston, a minor, may hereafter be a party.

Disabilities
of non-age re-
moved.

Be it enacted by the General Assembly of Alabama, That Thomas L. Holston, a minor, be and he is hereby made competent to contract and be contracted with, to sue and to be sued, to bind and to be bound, by any act or transaction of his hereafter made, as fully and as perfectly as if he were of full age.

Approved, February 14, 1870.

No. 118.]

AN ACT

To relieve Thomas W. Meriwether of the disabilities of of non-age.

Disabilities
of non-age re-
moved.

Be it enacted by the General Assembly of Alabama, That Thomas W. Meriwether, a minor, of Bullock county, Alabama, be and he is hereby relieved from all legal disabilities on account of his not being twenty-one years of age; that he may contract and be contracted with, sue and be sued, bargain, sell and convey, and do any and all acts prohibited by law on account of his minority.

SEC. 2. *Be it further enacted,* That this act shall take effect immediately after its passage.

Approved, February 14, 1870.

No. 119.]

AN ACT

To legalize the acts of the commissioners' court of Franklin county, in purchasing certain lands from N. S. Tenderwood, for the use of the poor house.

Be it enacted by the General Assembly of Alabama, Acts legalized
That the acts of the commissioners' court of Franklin county, in purchasing certain lands from Nimrod S. Tenderwood, for the purpose of erecting a poor house for said county, be and the same are hereby legalized.

Approved, February 14, 1870.

No. 120.]

AN ACT

To transfer the records of civil causes from the city court to the circuit court of Mobile county.

Be it enacted by the General Assembly of Alabama,
That all the records of civil causes now existing in the city court of Mobile, shall be transferred by the clerk thereof to the office of the clerk of the circuit court of Mobile; and thereafter, such records, and all books, papers and files pertaining to such civil business, shall in all respects be taken, held and located as records of the said circuit court; and all proceedings hereafter arising, or to arise upon said records of causes so transferred, and in, upon or in relation to judgments in civil causes rendered in said city court, shall be had in said circuit court the same, in all respects, as if said causes, suits or proceedings, had been originally commenced in said circuit court.

Approved, February 14, 1870.

No. 121.]

AN ACT

To make Mrs. Martha Whitehorn of Lee county, a free-dealer.

Be it enacted by the General Assembly of Alabama,
That from and after the passage of this act, Mrs. Mar-

Authorized
to act on her
own account.

Powers con-
ferred.

tha Whitehorn, wife of L. B. Whitehorn, of Lee county, and State of Alabama, be and is hereby authorized to contract and be contracted with, and to carry on business on her own account; to purchase, hold and dispose of property, both real and personal or mixed, in her own name, and for her own use, and to sue and be sued as if she were a *feme sole*, and that all her future acquisitions of property of any and all descriptions whatever, shall be free from liability for any debt or debts, or contract of her said husband, or any future husband.

Approved, February 14, 1870.

No. 122.]

AN ACT

To increase the pay of grand and petit jurors in the county of Walker.

Be it enacted by the General Assembly of Alabama,
Pay of jurors. That the pay of grand and petit jurors in the county of Walker, from and after the passage of this act, shall be two dollars per day and the mileage now allowed by law, instead of one dollar and fifty cents, as heretofore allowed, all laws to the contrary notwithstanding.
Approved, February 14, 1870.

No. 123.]

AN ACT

To authorize Eliza Ann Gaines, widow of Livingston Gaines, deceased, to sell the lands of said estate at private sale.

Be it enacted by the General Assembly of Alabama,
May sell at private sale. That Eliza Ann Gaines, the widow of Livingston Gaines, of Coffee county, be and she is hereby authorized and empowered to sell at private sale all the lands belonging to said estate, making report of the sale to the judge of probate of said county for his approval.

Report to probate judge
Valuation of lands.
SEC. 2. *Be it further enacted,* That three disinterested householders shall be selected by said judge of probate to value said lands, and that said lands shall not be sold at a less price than that fixed upon by said appraisers

and approved as provided for in section one of this act, all laws or parts of laws to the contrary notwithstanding. Limitation as to price.

Approved, February 14, 1870.

No. 124.]

AN ACT

For the relief of W. J. Ledbetter, of Franklin county.

Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Franklin county, be and they are hereby authorized to make an appropriation, annually, out of the county revenue of said county, such an amount as they may think proper, for the support and relief of W. J. Ledbetter, a citizen of said county, not to exceed seventy-five dollars per annum, any law to the contrary notwithstanding. County court may appropriate \$75 00 per annum.

Approved, February 14, 1870.

No. 125.]

AN ACT

To change the boundary lines between the counties of Elmore and Tallapoosa.

Be it enacted by the General Assembly of Alabama, That the boundary lines between the counties of Elmore and Tallapoosa, be changed so as to include in the county of Elmore section thirty-three (33), of township twenty-one (21), in range twenty-one (21), and that after the passage of this act, John Lambert, John C. Westbrooks, and Sampy Terry, are hereby declared citizens of Elmore county. Boundaries changed.

Approved, February 14, 1870.

No. 126.]

AN ACT

To establish the city court of Eufaula.

Be it enacted by the General Assembly of Alabama,

City court established. That there is hereby established in the city of Eufaula, an inferior court of record, to be called the city court of Eufaula, to be held and presided over by a judge, who shall reside in said city, or within four miles thereof, and shall be elected by the qualified electors of Barbour county, and who shall hold his office for the same term, take same oath, exercise the same powers, and be removed for the same causes as judges of the circuit courts of this State.

Residence of judge to be elected.

Term of office.

SEC. 2. *Be it further enacted*, That said court shall have and keep a common seal, and shall have a clerk, and such other officers as the circuit courts in this State. The clerk of said court shall be elected by the qualified electors of Barbour county, and shall hold his office for the same term as the clerks of the circuit court in this State; and shall give the same bond, exercise the same powers, and perform the same duties as are now required by law of the clerks of the circuit courts in the State, except so far as the provisions of this act are in conflict therewith.

Organization of court.

Clerk.

SEC. 3. *Be it further enacted*, That the election for judge of said city court shall be held by the sheriff of Barbour county, on the first Monday in March 1870, and every six years thereafter; and that the clerk of the circuit court of Barbour county shall discharge the duties of clerk of the said city court until the expiration of his present term of office; after which the clerk of said city court shall be elected by the qualified electors of the said Barbour county, at the same time that the clerk of the circuit court is elected, and every six years thereafter. Said elections shall be held in the same way that elections are held for judges and clerks of the circuit courts, and the persons elected shall hold their offices for the same time as now provided by law for the judges and clerks of the circuit courts. Vacancies in the offices of judge and clerk of said city court, shall be filled in the same manner in which vacancies in the office of judge and clerk of the circuit courts are filled in this State.

Electi'n, when and how filled.

Clerk of circuit court to act as clerk.

Election of clerk.

Term of office.

Vacancies.

SEC. 4. *Be it further enacted*, That the said city court shall be holden, and the office of the clerk thereof shall be kept in such house as may be furnished by the said city; said court shall hold two terms, commencing on the second Monday in June, and on the second Monday in December, in each year, and may continue until the

Terms of court.

business of the term is disposed of. Special terms may also be held when necessary for the dispatch of business, when ordered by the judge, thirty days' notice thereof being given by publication in a city newspaper.

SEC. 5. *Be it further enacted*, That all executions ^{Executions, how returnable.} issued upon judgments of said city court shall be returnable to the next succeeding term thereof.

SEC. 6. *Be it further enacted*, That said city court shall have concurrent jurisdiction with the circuit court of Barbour county, of all offenses against the criminal ^{Jurisdiction.} laws of this State, committed in said county, and concurrent jurisdiction with the said circuit court, in civil cases, where the defendant resides east of range twenty-seven (27), except actions to try titles to land, and that the powers and jurisdiction of the circuit courts of this State, be and the same are hereby conferred on the city court of Eufaula, to the extent above provided; and in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon ^{Powers and authority.} the circuit courts of this State, in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case, except in actions to try titles to land, upon the circuit courts in this State, giving them power to hear and determine causes, appoint and remove their officers, punish contempts, regulate their practice and form of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees to each officer, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said court and its officers, as fully as they extend to the circuit courts of this State.

SEC. 7. *Be it further enacted*, That power is conferred on the judge of said city court to issue writs of injunction, ^{Powers of judge.} *habeas corpus*, and any other writs or process in any and every case in which by existing laws the circuit judge might order the issue of any like remedial writ or process, and in the recess or vacation of said city court, the judge thereof shall have the same power and authority as judges of the circuit courts of this State now have or may hereafter have.

SEC. 8. *Be it further enacted*, That the supreme court of the State shall have appellate and supervisory ^{Appeals.} jurisdiction over said city court, and that causes may be removed from that court to the supreme court, in the

same manner provided by law for the exercise by that court of like appellate or supervisory jurisdiction over the courts or judges of the circuit courts in this State.

Process.

SEC. 9. *Be it further enacted*, That the process of said court should be issued, served, returned, and be in form, as is or may be provided for the circuit courts, varying only in the style of the court, and conforming to its terms.

Grand jurors.

Petit jurors.

SEC. 10. *Be it further enacted*, That the grand jurors for said court shall be drawn from the persons liable to jury duty in the county of Barbour, and shall be empaneled in the same manner as is, or may be provided by law for grand jurors of the circuit court, and a venire issued therefor in the manner provided by law, and that the petit jurors for said court shall be drawn and empaneled from that portion of Barbour county east of range twenty-seven, (27), in the same manner as now provided by law, for the circuit courts, and the said city court shall have the same power to summon tales jurors from any portion of Barbour county, as the circuit court has.

Laws applicable.

SEC. 11. *Be it further enacted*, That all laws of a general character that may hereafter be enacted, giving jurisdiction to the circuit courts of this State, shall be held to apply and extend to the city court of Eufaula, within the limit of its jurisdiction, although said city court may not be mentioned in said law.

Judge's salary, and how payable.

SEC. 12. *Be it further enacted*, That the salary of the judge of the court hereby established shall be two thousand dollars a year, and also four dollars for each civil case in said court, to be taxed as cost against the unsuccessful party; which shall not be diminished during his continuance in office, except with his consent, and be payable quarterly at the treasury of the county of Barbour upon his order, out of any moneys therein unappropriated; and for the remuneration of said county, for the payment of the same, the fines and forfeitures of all State cases in said city court shall be paid into said treasury in preference to any other appropriation of the same, and in all cases which shall be tried in the said city court herein established, in which the defendant, after conviction, shall be unable to pay the cost of prosecution, the same shall be paid out of the fines and forfeitures which have accrued or may accrue in criminal cases in said city court.

Fines and forfeitures.

SEC. 13. *Be it further enacted*, That the sheriff or coroner, and constables of the county of Barbour, shall ^{be required to attend said court, preserve order, execute and return its process as they now are, or may hereafter be required to do in the circuit court.} ~~be required to attend said court, preserve order, execute and return its process as they now are, or may hereafter be required to do in the circuit court.~~ ^{sheriff and constables.}

SEC. 14. *Be it further enacted*, That the county solicitor of Barbour county shall be required to attend said court, and be entitled to the same compensation as in the circuit court. ^{Solicitor.}

SEC. 15. *Be it further enacted*, That the venue in any case in said city court may be changed to the circuit court of Barbour county, or to some other circuit court, under the same rules and regulations that now or may hereafter govern changes of venue in the circuit court; and upon such change of venue, the circuit court trying such cause, upon conviction, shall order the fine or forfeitures, when collected, to be paid to the clerk of said city court. ^{Venue may be changed.}

SEC. 16. *Be it further enacted*, That the compensation of jurors and witnesses in said court, the fees of sheriff, bailiffs and constables, and also of the clerk of said city court for services rendered, shall be the same as are now allowed by law for like service in the circuit court of Barbour county. ^{Compensation and fees.}

SEC. 17. *Be it further enacted*, That whenever an indictment shall be pending in said city court against any person residing west of range twenty-eight, (28), in Barbour county, upon application of such person, the venue in such case shall be changed to the circuit court of said county; and whenever an indictment shall be pending in the circuit court of Barbour county against any person residing east of range twenty-seven (27), in said county, upon application of such person, the venue in such case shall be changed to the said city court. ^{Change of venue.}

SEC. 18. *Be it further enacted*, That the grand and petit jurors of said city court shall be drawn at Clayton, in the same manner, and at the same time, from the same box, and by the same officers, as the grand and petit jurors for the circuit court, except that the clerk of the said city court shall be present and participate in the same. ^{Jurors, when and how drawn.}

SEC. 19. *Be it further enacted*, That the guardhouse of the city of Eufaula shall be, and is hereby constituted an additional county jail for the county of Barbour.

SEC. 20. *Be it further enacted*, That any civil cause

Causes may
be transferred
to and from by
consent of parties.

now or hereafter pending in the circuit court of Barbour county, may, by consent of both parties, entered of record, be transferred to the said city court; and any civil cause, at any time pending in said city court, may, by consent of both parties, entered of record, be transferred to the said circuit court.

Approved, February 14, 1870.

No. 127.]

AN ACT

To establish a new charter for the town of Marion, in the county of Perry.

Corporate
name.

Franchisees.

Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Marion, in the county of Perry, shall be, and continue a body politic and corporate, by the name of the Mayor and Council of the town of Marion, and by their corporate name, may sue and be sued, grant, receive, and do all other acts as natural persons, in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said town; and may have and use a town seal, which may be broken or altered at pleasure.

Corporate
limits.

SEC. 2. *Be it further enacted,* That the corporate limits of the town of Marion shall embrace an area of land two miles square, whose centre shall be the courthouse on the public square in said town, and whose four boundary lines, each of which shall be two miles in length, shall run parallel with a corresponding boundary line of the present public square of said town, and be equidistant east, west, north and south, from the courthouse.

Government
of corporation
to be elected.

Election.

SEC. 3. *Be it further enacted,* That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and six councilmen, who shall be elected on the the first Tuesday in March, one thousand eight hundred and seventy, and annually thereafter on the first Tuesday in March, by ballot, by the male inhabitants of said town, of or over the age of twenty-one years, who have resided therein for three months next preceding such election. Said election shall be held by and under the direction of the sheriff

of Perry county, at the court-house in Marion. Said sheriff shall give ten days notice of said election, by publication in a newspaper published in said town, and shall appoint three inspectors and one returning officer, and he shall conduct said election in the same manner as an election for members of the General Assembly. The inspectors shall certify to the result at such poll, and the returning officer shall make the return to the sheriff, who shall declare the election, giving the casting vote, if any two or more shall have an equal number of votes; and shall give to the persons elected certificates of election. The persons so elected shall, before entering upon the discharge of the duties of their respective offices, take before the judge of the probate court, or the clerk of the circuit court for Perry county, an oath to discharge, without favor or partiality, the duties of mayor, (or councilmen, as the case may be,) of the town of Marion, of which oath a record shall be kept in the office of said probate or circuit court. The said mayor and councilmen shall continue in office for twelve months from the date of their election, and until their successors are qualified. If, from any cause, said election should not be held in any year on the said first Tuesday in March, the said sheriff shall, as soon as practicable, appoint another day for holding such election, not more than thirty days after such regular day, of which he shall give the like notice, and on the day so appointed, shall open and hold such election in the manner above provided; and if, from the neglect, or failure of the sheriff, or from any other cause, an election for mayor and councilmen should not be held on the regular day thereafter, nor within thirty days thereafter, as above provided, then the mayor of the town shall appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice; and on the day so appointed, shall hold such election, in the same manner as is above provided. And for the purpose of holding and completing such election, the mayor shall be invested with all the powers, and subject to all the duties of the sheriff as above set forth.

In case of tie.

Oath required

Term of office.

In case election is not held

SEC. 4. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said town who has not resided therein one year next preceding the election.

Qualifications.

Ballots, how
disposed of.

SEC. 5. *Be it further enacted*, That the ballots cast at any election held under this act, shall, after being counted, be carefully sealed up by the inspectors, and deposited by them with the town clerk, or with the clerk of the circuit court, if there be no town clerk, who shall preserve the same for twenty days after the result of said election is declared, and then, if there be no contest, the said town clerk or clerk of the circuit court, as the case may be, shall cause the same to be burned in the presence of himself and the mayor, but in the event of a contest, they shall be delivered to the judge trying the same.

Elections may
be contested.

SEC. 6. *Be it further enacted*, That any election held under this act may be contested in the same manner as or may be provided by the laws of the State for contesting the election of probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge, shall, so far as the same are or may be applicable, apply to contests of any election held under this act.

In case of
vacancy.

SEC. 7. *Be it further enacted*, That if the mayor or any councilman during his term of office, and after qualifying, shall die, resign, remove from the corporation, refuse to act, or be permanently disabled from acting, the remaining members of the board shall by ballot elect in his stead another mayor or councilman, who shall have the qualifications prescribed in the fourth section of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified. And if any person elected mayor or councilman by the qualified voters of said town at any election held under this act, shall refuse to qualify, the said sheriff shall, after giving ten days notice by advertisement in a newspaper published in Marion, hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular annual election for mayor and councilmen.

Councilmen
to be judges.

SEC. 8. *Be it further enacted*, That councilmen shall be judges of the qualifications of the mayor, and the mayor and remaining councilmen shall be judges of the qualifications of a councilman.

Mayor pro-
vide for regis-
tration.

SEC. 9. *Be it further enacted*, That the mayor and council may, if they deem it expedient, provide for the registration of the persons entitled to vote at the municipal election held under this act, which registration

shall be made at such times and under such rules and regulations as the board may prescribe. The provisions of sections 12, 13 and 14 of "an act to provide for the registration of electors," approved October 5, 1868, shall not apply to municipal elections held under this act.

SEC. 10. *Be it further enacted*, That a majority of the mayor and council shall constitute a quorum for the transaction of business. The mayor and council shall fix their own sessions, and special meetings of the board may be called by the mayor at his own option, or by any two of the council. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers and perform all the duties of the mayor; but the mayor shall not vacate his office by any temporary absence from the town or State.

Quorum.
Meetings.
In case of absence.

SEC. 11. *Be it further enacted*, That the mayor shall possess within the corporate limits, all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases, shall be entitled to the fees which are or may be allowed by law to justices of the peace, and his signature or acts, in such cases, shall be of equal force as if done by him expressly as a justice; and from any judgment or decision of the mayor, sitting as a justice, the party desiring it may take an appeal or *certiorari* to the circuit court for the county of Perry, under such rules and regulations as are or may be prescribed by the laws of the State, for an appeal or *certiorari* from the judgment of a justice of the peace. He shall, however, as mayor, have exclusive original jurisdiction to hear, adjudge, and determine suits, prosecutions or other proceedings for violation of the charter, ordinances or by-laws of the corporation; he shall have jurisdiction of all proceedings by motion, *scire facias* or other suits, or any penal bonds payable to the mayor, or, mayor and council, or the ordinances of said corporation, including proceedings and suits against the officers of the corporation and the sureties on their official bonds, for non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office. And

Powers of mayor.
Appeals.

Appeal.

upon the judgment of the mayor, in any case, in either branch of his jurisdiction, as mayor or as justice, execution or other appropriate process may be issued by the clerk of the corporation, directed to and to be executed by the marshal, which have the force and effect of an execution or other appropriate process, as the case may be, from any of the circuit courts of the State, and shall be executed by the marshal in the same manner as executions or other process, as the case may be, from such circuit courts. And from any judgment or decision of the mayor, as such, the party desiring it may take an appeal to the circuit court for Perry county, on giving bond with two sufficient sureties, to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit court may render in the premises; but unless such appeal bond be given within five days from the date of said judgment or decision, then no appeal shall be allowed from the same. The proceedings on such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace.

Duties of
mayor.

SEC. 12. *Be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed. He shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend to the board from time to time, in writing, such alterations in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; he may in case of disturbance of the peace, invasion or insurrection, or whenever, in his opinion, the peace and security of the town require it, call on the sheriff of the county to aid in preserving the peace, by the use of all the means which the laws confer on said sheriff as a peace officer. He shall preside at all meetings of the board, when present; he shall perform all such other duties as the board may prescribe, and have authority, while holding his court, to punish any contempt of his court by fine, imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

SEC. 13. *Be it further enacted*, That the mayor and council shall have power to appoint a town marshal, clerk, treasurer, and assessor and collector of taxes, and such other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the good government of the town; to prescribe their duties, liabilities and powers; to require of them bonds with such security and in such amounts as may be deemed expedient, for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time, any or all of such officers or agents, a majority of the board concurring in such removal; and to fix and regulate, from time to time, the compensation or salaries of all the officers of the corporation, including that of the mayor, but no increase in the salary or compensation of the mayor shall take effect during the term of office in which said increase was made; *Provided*, The annual salary of the mayor shall not exceed five hundred dollars; *And, provided further*, That the councilmen shall receive no compensation for their services. The officers of the corporation shall continue in office, (unless removed,) until the next annual election for mayor and council, and until their successors are qualified; but the board may at any time repeal, alter or amend the ordinances creating or employing said officers or agents, or regulating their duties or compensation, and may fill all vacancies that may occur in said offices. The clerk, assessor, collector, treasurer and marshal, and all such other officers as the board may require to give bond, shall before entering upon the discharge of their duties, give bond with sufficient security, to be approved by the board, payable to the mayor and council in such penalty as may be prescribed by the board, with conditions to discharge faithfully all the duties of their respective offices, on which bonds suit and recovery may be had, before the mayor, or any other court having jurisdiction, in the name of the mayor and council, for the use of the corporation, or the person injured, and said bond shall remain for the breaches of its condition. And the mayor and council may provide summary remedies, by motion or otherwise, before the mayor, against the officers of the corporation and their sureties, for any official default or neglect.

Town marshal and officers.

Proviso.

Term of office.

Board may repeal or amend

Boards of officers.

Records. SEC. 14. *Be it further enacted,* That the town [clerk] shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board, and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; and a copy therefrom, certified by the clerk, shall be *prima facie* evidence, in any court of record or elsewhere; and said record shall at all times be open to inspection. The clerk shall also keep a docket of all causes instituted before the mayor, as such, showing the order in which they are instituted, and noting and endorsing the orders, judgments, &c., therein, and the dates of the issuance and delivery of original and final process, to whom delivered, and the return thereon, or the substance thereof. And in another book he shall keep a minute or record of the orders, judgments, &c., in all causes before the mayor, as such. He shall keep a separate docket and a separate minute book of the cases instituted before the mayor as a justice of the peace, which shall be kept in the same manner as above provided, in reference to the causes before the mayor, as such. And the said clerk shall make full indexes, direct and reverse, for all of his said books; and he shall keep and preserve a regular file, as well the papers in all suits or causes before the mayor, as such, or as a justice, as all other papers belonging to the board. And the said dockets, records, indexes and files shall be open to public inspection, under such rules and regulations as the board may prescribe. And the said clerk shall perform all such other duties as the board may direct.

Docket.

Indexes.

Powers of marshal. SEC. 15. *Be it further enacted,* That the marshal of said town shall have and possess, within the corporate limits, all the powers and rights of constables under the laws of the State, and shall be entitled to the same fees for like services. He shall also possess, within said limits, in preserving peace and making arrests, all the powers of the sheriff as a peace officer. He shall execute the orders, notices and processes of the Board to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities and remedies which they may provide. The mayor and council may allow to the marshal such salary or compensation, in addition to

Compensation

the specified fees to which he may be entitled, as they deem proper; and in all cases where the marshal is a party to any suit or proceeding before the mayor, they shall appoint some person to act as special marshal.

SEC. 16. *Be it further enacted*, That the said mayor and council shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the town, and provide places for the reception of the sick; to erect a hospital, calaboose, town hall, and any other buildings or work necessary or expedient for the use of the town, or join with the county of Perry in any such erections, by contracts made with the proper authorities of the county; or to acquire by lease, purchase or other contract, or in any other way, the use of houses or buildings for any purposes necessary or convenient for said town; to establish night watches; to license and regulate retailing of liquors within the corporate limits; and to provide for annulling and revoking such licenses on good cause being shown; to close up retail establishments for such time as they deem necessary; to prohibit the retailing of spirituous liquors within the corporate limits, whenever they deem it expedient; to erect and repair bridges; to construct drains and sewers and keep them in repair; to establish a fire company, if they deem it expedient, and provide for the prevention and extinguishment of fires; to regulate partition fences and determine by whom they shall be kept in repair; to prohibit and disperse all unlawful and disorderly assemblies; to license and regulate hawkers and peddlers, and for good cause to annul their licenses; to license, restrain and regulate theatrical and other exhibitions or shows for money, of whatever character, kind or name, and also lectures and concerts for pay, except lectures, concerts and festivals for charitable purposes; to license and regulate hackney coaches, hacks, carriages, wagons, carts and drays, running for hire within the corporate limits; to license and regulate pawn-brokers, auctioneers, commission merchants, dry goods and grocery merchants, and the keepers of hotels, eating houses, livery and sale stables, beer shops, billiard rooms, bowling alleys, and stores or shops for the sale of any goods, provisions, drugs, or any other commodity or article whatever; to fix the price of or taxes on all licenses granted by the corporation, and to

Powers of
board.

enforce the collection of the same ; to restrain and prohibit gambling and gaming houses, and houses of ill-fame ; to establish and regulate markets, and to prohibit the sale of meat, poultry, fish or game, except at the public market or markets ; to preserve, manage and regulate all burying grounds or cemeteries belonging to the corporation, and remove them, and to establish, regulate and manage new ones ; to sink and keep in repair public wells ; to prohibit and punish violations of the Sabbath ; to prevent stock of any kind from running at large in the public streets or alleys of the town ; to require the fencing or enclosing of any vacant lot in said town ; to cause to be taken from time to time a census of said town ; to keep and repair the streets, alleys and avenues of said town ; to discontinue and close them when expedient ; to widen, or change their direction, and to open new ones ; to regulate weights and measures ; to purchase all such real estate and personal property as may be deemed necessary and proper for the use, improvement or convenience of the town, and to provide for the payment for the same ; to pave, gravel, or otherwise improve any street or sidewalk, and provide the means therefor by assessment on the owners of property to be benefitted thereby, and to collect and enforce such assessment as other taxes ; to prohibit riots, affrays, assaults and batteries, and all other breaches of the peace, and misdemeanors ; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets, or other work of the town, for any breach of the by-laws or ordinances of the corporation ; but no fine shall exceed fifty dollars, and no imprisonment or work on the streets, or other work of the town, shall exceed fifteen days ; and also to provide in cases where fine and costs are not paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the town officer ; and to pass all such laws, by-laws and ordinances, as may be necessary and proper to execute the powers in this charter granted, not contrary to the constitution and laws of the State, or to the restrictions in this act expressed.

SEC. 17. *Be it further enacted,* That the mayor and council shall have authority to cause all vagrants, or idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible means of support, or

May restrain
vice.

are likely to become a public charge as paupers, or are found begging or drunk in or about the streets, or who can show no reasonable course of business or employment in the town; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behavior publicly on the streets; and all prostitutes, or such as lead notoriously a lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time, not exceeding five days in any one month, unless such security shall be sooner given, which said labor shall be such as may be designated by the mayor and council for the benefit of the town; and if such persons shall be found afterwards so offending, such security may be again required, and in want thereof, the like proceedings may again be had, from time to time, as often as may be necessary in each and every month.

SEC. 18. *Be it further enacted*, That whenever it is deemed expedient by the mayor and council to widen or extend a street, lane or alley, the mayor shall summon five freeholders, inhabitants of the town, not directly interested in the lands or lots through which such street, lane or alley is to be widened, extended or opened, who being first sworn by the mayor to assess and value what damages will be sustained by the owners of said lots or lands, by reason of the widening, extending or opening of such street, lane or alley as proposed, taking into consideration the benefit to such lots or lands, resulting therefrom, shall assess such damages, which assessment may be made by the vote of a majority of said freeholders, and must be reduced to writing, subscribed by a majority of such freeholders, and delivered to the town clerk, who must record the same; and before such street, lane or alley shall be opened, widened or extended, the damages so assessed shall be paid to the parties entitled thereto; notice of the time and place of such assessment shall be given for such time and in such manner as the board may by ordinance provide: *Provided*, That where the widening, extending, improvement or opening of a street, lane or alley will be of benefit to the owners of lots or lands

May widen streets and alleys.

Damages; how assessed.

Proviso.

Appeal allowed.

on or through which or adjacent to which the same is widened, extended, improved or opened, the mayor and council may provide the means therefor by assessments on the owners of such lots or lands to be benefitted thereby, or by assessments on the lots or lands to be thus benefitted, and may enforce and collect such assessment as other taxes. And for the purpose of carrying into effect the provisions of this section, the board may adopt such rules and regulations on the subject, not inconsistent herewith, as they may deem expedient; and either party may appeal from any assessment made under the provisions of this section to the circuit court of Perry county, within ten days from the making of such assessment, under the rules and regulations governing appeals from the judgments and decisions of the mayor. But in case the appeal is taken by the corporation, the appeal bond must be approved by the clerk of the circuit court.

May levy taxes.

SEC. 19. *Be it further enacted,* That the said mayor and council shall have authority to levy taxes, in the months of March and April of each year, on the real and personal property within said town, except such as is or may be exempt from taxation under the laws of this State, or of the United States; on auction sales; on capital employed in business in said town; on itinerant transient merchants or traders; sales of merchandise; and all other subjects of taxation within said town on which State taxes are now or shall hereafter be levied by the laws of Alabama; *Provided, however,* That no tax shall be levied upon sales under judicial proceedings, or by executors, administrators or guardians, or under deed for the security or payment of debts.

Limitation of tax.

SEC. 20. *Be it further enacted,* That the said taxes on real and personal property, for municipal purposes, shall not in any one year exceed one per cent. on the value of such property, and shall be laid according to assessment and valuation of the property taxed, made by the assessor, under such rules and regulations as the board may prescribe; which assessment and valuation the mayor and council shall have authority to review and correct as they may deem just and proper. In making assessment, the rule of assessment shall be the cash value of the property assessed.

Board may correct assess-

SEC. 21. *Be it further enacted,* That the mayor and council are hereby authorized and required annually to

to collect a tax of one half of one per centum upon the assessed value of the real and personal estate within said corporation; the amount so obtained to be paid over prior to the first day of June of each year, to the county superintendent of education, to be by him expended for the maintenance of free public schools within said corporation, in accordance with the laws and regulations enacted by the State board of education.

SEC. 22. *Be it further enacted*, That the said mayor and council shall have authority to require each male inhabitant, between the ages of eighteen and forty-five, to work five days in each and every year on the streets of said town, under the direction and control of the street superintendent, or other officer appointed by the board for that purpose; *Provided*, That any person so required to work on said streets, may relieve himself of the same by paying the sum of two dollars and fifty cents to the treasurer of said town, taking his receipt therefor; *Provided, further*, That the inhabitants of said town are exempt from working on the roads and highways out of the corporate limits.

SEC. 23. *Be it further enacted*, That the mayor and council may, if they deem it expedient, require merchants and other persons liable to pay taxes upon auction sales, or sales of merchandise, and commodities offered for sale, to give into the town clerk, or assessor, quarterly or annually, statements under oath, of the gross amount of such sales, or of the amount and value of the goods or other commodities received or sold during the preceding quarter or year, as the case may be, and may levy and collect taxes on such sales, or on such goods and other commodities, quarterly or annually, as they may deem expedient and proper.

SEC. 24. *Be it further enacted*, That full power and authority are hereby given said mayor and council to establish such rules and regulations not inconsistent with this act, for the assessment and collection of the taxes authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions hereinbefore expressed, for the violation of their ordinances in reference to the taxes and revenue of the town, as they may deem requisite and proper; *Provided*, That the powers conferred by this section shall not extend to

Tax for
schools.

May require
work on the
streets.

Proviso.

May re-
quire state-
ments from
merchants and
others.

Rules for as-
sessment and
collection of
taxes.

imprisonment for any mistake, fraud or other defect in the assessment or levy of the taxes; said board may, if they deem it necessary or expedient, set aside such assessment or levy, in whole or in part, according to the circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

Taxes have force of judgment. SEC. 25. *Be it further enacted,* That all taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed and on all other property within the corporate limits, belonging to the party against whom the same are assessed or levied; and

Levy and sale of property. the person appointed to collect such taxes, must on failure to pay, collect the same by levy and sale of the property of the person to whom assessed; or if assessed to an owner unknown, by a sale of the property. All such sales of property for the non-payment of taxes, must be after thirty days notice by advertisement in a newspaper published in said town. The person appointed to collect such taxes shall make such sales under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate so sold

Certificate of purchase. a certificate of purchase, in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all previous proceedings, and of all the facts stated therein; and also that all the requirements of the law in reference to the levy and assessment of the taxes and the sale of property have been complied with; *Provided, however,* That real estate sold for the payment of taxes under this

Right of redemption. act may be redeemed, at any time within two years from the date of the sale, on the payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, and all taxes and costs which have accrued; and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury, for the benefit of the purchaser; and infants, lunatics and married women shall be allowed one year, after the removal of their respective disabilities, for the redemption of their real estate; and upon such payment or deposit being made within the period allowed for the redemption, the title created by such sale and certificate shall cease and determine,

and the purchaser or claimant under him shall relinquish possession, or on failure to do so, be liable for an unlawful detainer.

SEC. 26. *Be it further enacted*, That no prosecution, suit or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act. Suits and right of action unimpaired.

SEC. 27. *Be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed. Conflicting laws repealed.

Approved, February 16, 1870.

No. 128.]

AN ACT

To establish a charter for the city of Troy, in Pike county.

Be it enacted by the General Assembly of Alabama, That the inhabitants of Troy, in the county of Pike, be and they are hereby created a body politic and corporate, under the name of the Mayor and Councilmen of Troy, and by that name may purchase, receive, let or hold, sell, grant, alien or assure property, real and personal, and sue and be sued, plead and be impleaded, and do and perform any other act incident to bodies corporate; and may have a common seal, which may be changed at pleasure; and shall have authority to do all acts, and pass such ordinances as may be necessary to enforce the powers granted by this act, but shall not hold of property more than seventy-five thousand dollars in value. Corporate name.
Franchisees.
Limitation.

SEC. 2. *Be it further enacted*, That the corporate limits of Troy shall embrace an area of two miles square, the centre of which shall be the present public square of Troy, and the boundary lines shall be equidistant from the lines of said public square, and run parallel therewith. Corporate limits.

SEC. 3. *Be it further enacted*, That the Mayor and Councilmen of Troy, may, when in their opinion it becomes necessary, divide the corporate limits into four wards, by ordinance prescribing the boundaries thereof, and if such ordinance should be repealed, the rights of such wards, under the ordinance creating them, shall be destroyed; but if wards should be constituted, then City may be divided into wards.
Each ward to elect one councilman.

while they exist, if existing at any election for officers under this charter, each ward shall be entitled to elect one councilman.

SEC. 4. *Be it further enacted,* That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and four councilmen, who shall be elected on the same day the election for officers of Troy would be held under the present law, and annually thereafter by ballot, by the male inhabitants of said corporation, of or over the age of twenty-one years, who have resided therein six months next preceding such election. Said election shall be held under and by the direction of the sheriff of Pike county, at the court-house in Troy, and such additional voting places as the Mayor and Councilmen may by ordinance prescribe. Said sheriff shall give ten days notice of said election, by publication in a newspaper published in Troy, or by posting a notice thereof at the court-house door and the post office, and shall appoint three inspectors and one returning officer for each voting place, and he shall conduct said election in the same manner as an election for members of the General Assembly. The inspectors at each voting place shall certify the result at such poll, and each returning officer shall make the return of his poll to the sheriff, who shall declare the election, giving the casting vote, if any two or more shall have an equal number of votes; and shall give to the persons elected certificates of election. But the General Assembly may repeal or annul this section, so far as prescribing the manner and officers of election, and the Mayor and Councilmen of Troy, by ordinance may prescribe the officers and manner of ordering and conducting elections for officers, which ordinance shall supersede so much of this section as prescribes the officers ordering or conducting, and the manner of holding elections. The persons so elected shall, before entering upon the discharge of the duties of their respective offices, take before the judge of the court of probate, or the circuit court clerk of Pike county, an oath to discharge, without favor or partiality, the duties of their respective offices, as the case may be. The said mayor and councilmen shall continue in office for one year from the date of their election, and until their successors are elected and qualified. If, for any cause, an election

Government
of corporation
to be elected.

Election.

In case of tie.

Oath of office.

should not be had in any year for mayor and councilmen, the said sheriff shall, as soon as practicable, appoint another day for holding such election, not more than thirty (30) days after such regular day, of which he shall give the like notice, and on the day so appointed, shall open and hold such election in the manner above provided; and if, from the neglect or failure of the sheriff, or from any other cause, an election for mayor and councilmen should not be held on the regular day therefor, nor within thirty days thereafter, as above provided, then the mayor of Troy shall appoint a day for holding such election, not more than sixty (60) days after such regular election day, of which he shall give the same notice; and on the day so appointed, shall hold the election in the same manner as above provided; and for the purpose of holding and completing such election, the mayor shall be invested with all the powers, and subject to all the duties of the sheriff as above set forth.

In case election is not held

SEC. 5. *Be it further enacted*, That no person shall hold the office of mayor or councilman of Troy who has not resided therein one year next preceding the election at which he is elected.

Qualifications.

SEC. 6. *Be it further enacted*, That the ballots cast at any election held under this act, shall, after being counted, be carefully sealed up by the inspectors, and deposited by them with the marshal, who shall preserve the same for twenty days after the result of such election is declared, and then, if there be no contest, the marshal shall cause the same to be burned in his presence, and that of the mayor and councilmen, but in the event of a contest, they shall be delivered to the judge trying the same.

Ballots, how disposed of.

SEC. 7. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of a probate judge, and all the provisions of such law in relation to the contesting the election of a probate judge, shall, so far as the same are or may be applicable, apply to contests of any election held under this act.

Elections may be contested.

SEC. 8. *Be it further enacted*, That if the mayor or any councilman during his term of office, and after the qualifying, shall die, resign or remove from the corporation, or from the ward to which he was elected, or refuse

In case of vacancy.

to act, the remaining members of the board shall by ballot, elect in his stead another mayor or councilman, who shall have the qualifications prescribed in the fifth section of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified. And if any person elected mayor or councilman by the qualified voters of Troy at any election held under this act, shall refuse to qualify, the said sheriff shall, after giving ten days notice by advertisement in a newspaper published in Troy, or by posting at the post office and court-house doors, proceed to hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular annual election for mayor and councilmen.

Councilmen
to be judges.

SEC. 9. *Be it further enacted*, That the councilmen shall be judges of the qualifications of the mayor, and the remaining councilmen shall be judges of the qualifications of a councilman.

May provide
for registra-
tion.

SEC. 10. *Be it further enacted*, That the mayor and councilmen may, if they deem it expedient, provide for the registration of the persons entitled to vote at the municipal election held under this act, which registration shall be made at such times and under such rules and regulations as the mayor and councilmen may provide. The provisions of sections 12, 13 and 14 of "an act to provide for the registration of electors," approved October 5, 1868, shall not apply to the municipal elections held under this act.

Quorum.

Meetings.

Absence of
mayor.

SEC. 11. *Be it further enacted*, That a majority of the mayor and councilmen shall be a quorum to transact any business. The mayor and councilmen shall fix their own sessions, and special meetings of the mayor and councilmen may be called by the mayor at his own option, or by any two of the councilmen; and all acts done at any such called session shall be as lawful and binding as if done at a regular session, whether the mayor be present or not. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers and perform all the duties of the mayor; but the office of mayor shall not be vacated by reason of any temporary absence from the corporation or State.

SEC. 12. *Be it further enacted*, That the mayor shall

possess within the corporate limits, all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases, shall be entitled to the fees which are or may be allowed by law to justices of the peace, and his signature or act as mayor in such cases, shall be of equal force as if done by him expressly as a justice ; and from any decision of the mayor, sitting as a justice, the party desiring it may take an appeal or *certiorari* to the circuit court of the county, under such rules and regulations as are or may be prescribed by the laws of the State, for an appeal or *certiorari* from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction to hear, adjudge, and determine all suits, prosecutions or other proceedings for the violation of the charter, by-laws or ordinances of the corporation ; he shall have jurisdiction of all proceedings by notice, *scire facias*, or other suits, on any penal bonds payable to the mayor, or the mayor and councilmen of Troy, taken under this act, or the ordinances of said corporation, including proceedings and suits of the officers of the corporation and the sureties on their official bonds, for the non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office. And upon the judgment of the mayor, in any case in either branch of his jurisdiction, as mayor or as justice, execution or other appropriate process may be issued by the mayor, directed to and to be executed by the marshal, which shall have the force and effect of an execution or other appropriate process, as the case may be, from any of the circuit courts of the State, and shall be executed by the marshal in the same manner as executions or other process, as the case may be, from such circuit courts. And from any judgment or decision of the mayor, as such, the party desiring it may take an appeal to the circuit court of Pike county, on giving bond with two (2) sufficient sureties, to be approved by the mayor, in the amount of the judgment, cost and fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit court may render in the premises ; but unless said appeal bond be given within five (5) days from the date of said judgment or decision, then no appeal shall be allowed from the same. The proceedings on such ap-
Powers of
mayor.
Appeals.

peal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace.

Duties of mayor. SEC. 13. *Be it further enacted,* That it shall be the duty of the mayor to see that the laws of the corporation are duly executed. He shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the councilmen the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend to the councilmen from time to time, in writing, such alterations in the laws of the corporation, or measures for its good government or interests, as he may deem necessary and proper; he may, in case of the disturbance of the peace, or invasion or insurrection, or whenever in his opinion, the peace and security of Troy require it, call on the sheriff of the county for aid in preserving the peace, by the use of all the means which the law confers on the sheriff as a peace officer. He shall preside at all meetings of the mayor and councilmen, when present; he shall perform all other such duties as the mayor and councilmen shall prescribe, and have authority, while holding his court, to punish any contempt of his court by fine and imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

Marshal and officers. SEC. 14. *Be it further enacted,* That the mayor and councilmen shall have power to appoint a marshal, and such other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the good government of the city; to prescribe the duties, liabilities and powers; to require of them bond with security, and in such amount as may be deemed expedient, for the faithful discharge of their duties; to regulate and control them in the discharge of their respective duties; to remove or discharge at any time, any or all of such officers or agents, a majority of the mayor and councilmen concurring in such removal; and such removal may be made by the councilmen, if a majority at any one meeting vote therefor. The officers of the corporation shall continue in office, (unless removed,) until the next annual election of mayor and councilmen, and until their successors are qualified; but the mayor and councilmen may at any time repeal, alter or amend the ordinances creat-

Council to prescribe their duties; and may remove them.

Term of office.

ing or employing said officers or agents, or regulate their duties or compensation, and may fill all vacancies that may occur in said offices. All such officers as the mayor and councilmen may require to give bond, shall, before entering upon the discharge of their duties, give bond with sufficient security, to be approved by the mayor, payable to the mayor and councilmen of Troy, in such penalty as may be prescribed by the mayor and councilmen, with condition to discharge faithfully all the duties of said office, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the mayor and councilmen of Troy, for the use of the corporation, or the person injured, and said bond shall remain for the breaches of its condition. And the mayor and councilmen may provide summary remedies, by motion or otherwise, before the mayor, against the officers of the corporation and their sureties, for any official default or neglect.

Bonds of officers.

SEC. 15. *Be it further enacted*, That the mayor shall keep a regular record of the proceedings, orders, regulations and ordinances of the mayor and councilmen, which shall be read to the mayor and councilmen, and signed by the mayor or presiding chairman, or mayor *pro tempore*, and the same shall have the force and effect of a record; and a copy therefrom, certified by the mayor, shall be *prima facie* evidence, in any court of record or elsewhere; and said record shall at all times be open for inspection. The mayor shall also keep a docket of all causes instituted before the mayor, as such, showing the order in which they are instituted, and noting and endorsing the orders, judgments, &c., therein, and the dates of the issuance and delivery of original and final process, to whom delivered, and the return thereon, or the substance thereof. And in another book he shall keep a minute or record of the orders, judgments, &c., in all causes before the mayor, as such. He shall keep a separate docket, and a separate record or minute book of the cases instituted before him as a justice of the peace, which shall be kept in the same manner as above provided, in reference to causes before the mayor, as such. And the mayor shall make full indexes, direct and reverse, for all of his said books; and he shall keep and preserve a regular file, as well the papers in all suits or cases before the mayor, as such, and as a justice, as of all other papers belonging to the

Records.

Dockets.

Indexes.

mayor and councilmen. And the said dockets, records, indexes and files shall be open for public inspection, under such rules and regulations as the mayor and councilmen may prescribe.

Powers of
marshal.

SEC. 16. *Be it further enacted*, That the marshal shall have and possess, within the corporate limits, all the powers and rights of constable under the laws of this State, and shall be entitled to the same fees for like services. He shall also possess, within said limits, in preserving peace and making arrests, all the powers of a sheriff as a peace officer. He shall execute the orders, notices and processes of the mayor to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the mayor and councilmen may prescribe, and be subject to all the liabilities and remedies which they may provide. The mayor and councilmen may allow to the marshal such salary and compensation, in addition to the special fees to which he may be entitled, as they deem proper; but in no case to exceed three hundred dollars, unless on vote of two-thirds of the mayor and councilmen; and in all cases where the marshal is a party to the suit or proceedings before the mayor, the mayor shall appoint some person to act as special marshal.

Compensation

Powers of
council.

SEC. 17. *Be it further enacted*, That the mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits, and provide places for the reception of the sick; to erect a calaboose, and may use the county jail for all purposes of imprisonment, and the jailor is required to receive and place in, or allow the marshal to place in the jail, such persons as the mayor sentences thereto, and such as the marshal arrests and requires the jailor to receive; to establish day and night watches; to license and regulate the retailing and the wholesale of liquors within the corporate limits; and to provide for the annulling and revoking such license for good cause being shown; to prohibit the sale or giving away of liquor on any election day; to erect and repair bridges; to regulate partition fences, and determine by whom they shall be kept in repair; to prohibit and disperse all unlawful and disorderly assemblages; to license and regulate hawkers and peddlers, and for good cause annul their

licenses; to license, restrain and regulate theatrical and other exhibitions and shows, of whatever character, kind or name, for pay, and also lectures and concerts for pay, except lectures and concerts for charitable purposes; to license and regulate hackney coaches, carriages, wagons, carts and drays, and vehicles of like kind running from one part of the corporate limits to another for hire; to license and regulate pawn-brokers, auctioneers, commission merchants, dry goods and grocery merchants, and the keepers of hotels, eating houses, livery and sale stables, barber shops, billiard rooms, bowling saloons and ten pin alleys, and stores and shops for the sale of any goods, provisions, drugs, and any other articles or commodity whatever; lawyers, doctors, dentists, and any other persons or company carrying on any other trade, profession, occupation, business or calling whatsoever; to fix the price of or tax on all licenses, and to prescribe whether the individual members of firms or companies shall pay a license; or any other regulation to equalize and make just the license tax; to restrain and prohibit gambling and gaming houses, and houses of ill-fame; to sink and keep in repair public wells; to prohibit and punish violations of the Sabbath; to prevent stock of any kind from running at large in the public streets or alleys; to keep in repair the streets, alleys or avenues, and to open new ones; to prohibit riots, routs, assaults, assaults and batteries, and all other breaches of the peace, and all misdemeanors and felonies; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets, or other work of the city, for any breach of the laws, by-laws or ordinances of the corporation; but no fine shall exceed fifty dollars, and no imprisonment work on the streets, or other work of the city, shall exceed thirty days; and also to provide, in cases where fine and costs are not presently paid by the party convicted, that the party, so in default, shall work out such fine and costs under the direction of the city officers; *Provided*, That the time of such work shall not exceed thirty days; and to pass all such laws, by-laws and ordinances, as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for the good government of the city, not contrary to the constitution and general laws of the State, or to the restrictions in this act expressed.

May restrain
vice.

SEC. 18. *Be it further enacted*, That the mayor and council shall have authority to cause all vagrants, or idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging in or about the streets, or can show no reasonable course of business or employment in the city; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behavior publicly on the streets; and all prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time, on the streets or other work of the city, not exceeding five days in any one month, unless such security shall be sooner given, which said labor shall be such as shall be designated by the mayor and councilmen; and if such persons shall be found afterwards so offending, such security may again be required, and like proceedings may again be had, from time to time, as often as may be necessary in each and every month.

May widen and
open streets,
lanes and alleys

Damages;
how assessed.

SEC. 19. *Be it further enacted*, That whenever it is deemed expedient by the mayor and councilmen to widen or extend, or make a new street, lane or alley, the mayor shall summon twelve freeholders, inhabitants of the city, not directly interested in the lands or lots through which such street, lane or alley is to be widened, extended or opened, who being first sworn by the mayor to assess and value what damages would be sustained by the owners of said lots or lands, by reason of the widening, extending or opening of such street, lane or alley as proposed, shall assess such damages, which assessment may be made by the vote of a majority of said freeholders, and must be reduced to writing, subscribed by a majority of such freeholders, and delivered to the mayor, who must record the same; and before such street, lane or alley shall be opened, widened or extended, the damages so assessed [shall be paid] to the parties [entitled] thereto; notice of the time and place of such assessment shall be given for such time and in such manner as the mayor and councilmen may by ordinance provide; and for the purpose of carrying into

effect the provisions of this section, the mayor and councilmen may adopt such rules and regulations, not inconsistent herewith, as they may deem expedient; and either party may appeal from any assessment made under the provisions of this section to the circuit court of Pike county, within ten days from the making of such assessment, under the rules and regulations governing appeals from the judgments and decisions of the mayor. But in case the appeal is taken by the mayor and councilmen, the appeal bond must be approved by the clerk of the circuit court of Pike county. Appeals.

SEC. 20. *Be it further enacted*, That the mayor and councilmen shall have authority to levy and collect taxes on the real and personal property within the corporate limits, on auction sales and sales of merchandise; on capital unemployed in business, or income of residents; on itinerant or transient merchants or traders; on any business, profession, trade or calling, carried on in the corporate limits, and on all other subjects of taxation within said city, on which State taxes are now or may hereafter be levied by the laws of the State; *Provided*, That no tax shall be levied upon sales under judicial proceedings, or under executions, or by administrators, executors, guardians, or under deed for the security or payment of debts. May levy taxes. Subjects of taxation. Proviso.

SEC. 21. *Be it further enacted*, That the tax on personal property shall not in any one year exceed two per centum of the value thereof; and shall be levied according to assessment and valuation of the property taxed, made by such person, and under such rules and regulations as the mayor and councilmen may prescribe; which said assessment and valuation the mayor and councilmen are authorized to make, or they are empowered to appoint one of their number to make, and they shall have authority to revise and correct as they deem proper. Assessment, how made.

SEC. 22. *Be it further enacted*, That the mayor and councilmen are authorized and required to levy and collect a tax upon all real estate in said corporate limits, for the purpose of paying the principal of and interest upon the amount of the bonds commonly known as the bonds of Troy, in aid of the Mobile and Girard Railroad; *Provided*, That the tax so raised in any one year shall not exceed ten per cent. of the principal and interest of such bonds falling due in each such year, so that the en- Tax on real estate. For what purpose.

Proviso.

Council may appropriate tax on real estate to payment of bonds

And tax from other sources to other purposes of the corporation.

Assessment to be open to inspection.

Appeal from assessment.

Council may provide for commutation of road duty.

Who are liable to work on streets.

Council may collect tax on sales of merchandise, &c.

the amount of such bonds, principal and interest, may be paid in ten years ; and whereas, such tax upon the real estate will greatly exceed the necessary tax on personal property and license tax, for carrying on the government of the corporation and the payment of its debts; therefore, the said mayor and councilmen may, if they deem it expedient or just, appropriate the whole amount of the tax collected upon the real estate to the liquidation and payment of said bonds ; and for the other purposes of the corporation, only apply the taxes raised from other sources than from real estate. That when the assessment of taxes provided for in this act is made, such assessment shall be placed in the office of the mayor, or at such place as he may designate, in the corporate limits, and such assessment shall be open for the inspection of any person against whom a tax is assessed, and shall remain open for such inspection for ten days ; and the mayor shall give ten days' public notice by posting at the postoffice door, before the day when such assessment will be open for inspection, naming the time when, and the place where, such assessment can be inspected ; and if any one assessed is dissatisfied with such assessment, he shall have the right to appear before the mayor and councilmen with his witnesses, to show if there has been an error in the assessment, and the mayor and councilmen shall determine the matter, and witnesses may be used to show there is no error in the assessment.

SEC. 23. *Be it further enacted*, That the mayor and councilmen may provide for the payment of a certain amount of money by each male person, between the ages of 18 and 45, in lieu of working upon the public streets, lanes or alleys ; such exemptions from such work to be for such time as may be prescribed by ordinance. All male persons between such ages shall be liable to work on the streets, lanes or alleys, but not more than ten days in any one year, and all persons residing in the corporate limits and liable to work on the said streets therein, are exempt from road duty outside of said corporate limits.

SEC. 24. *Be it further enacted*, That the mayor and councilmen may, if they deem it expedient, require merchants or persons liable to pay taxes on auction sales, or other sales of merchandise, or other commodities, or upon goods or other commodities offered for sale, to give into the marshal or assessor, or such person as may be

appointed, quarterly or annually, statements under oath, of the gross amount of such sales, or of the amount and value of the goods or other commodities received during the preceding quarter or year, as the case may be, and may levy and collect the taxes on such sales, or on such goods and other commodities, quarterly or annually, as they may deem expedient and proper.

SEC. 25. *Be it further enacted*, That full power and authority are hereby given said mayor and councilmen to establish such rules and regulations not inconsistent with this act, for the assessment and collection of taxes authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions hereinafter expressed, for the violations of their ordinances in reference to the taxes and revenue of Troy, as they may deem requisite and proper; for any mistake, fraud or other defect in the assessment and levy of the taxes, said corporate authorities may, if they deem it necessary or expedient, set aside such assessment or levy, in whole or in part, according to the circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

May make
rules for as-
sessment.

Provide and
enforce penal-
ties.

And may set
aside the as-
sessment.

SEC. 26. *Be it further enacted*, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits, of the party against whom the same are assessed or levied; and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed; or if assessed to an owner unknown, by a sale of the property. All such sales of property for the non-payment of taxes, must be after thirty (30) days public notice by advertisement in a newspaper published in Troy, or by posting at the court-house door. The person appointed to collect such taxes shall make such sales under such rules and regulations as the corporate authorities may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase, in such form as the corporate authorities may prescribe, which certificate shall be *prima facie* evidence of the regularity of all previous proceedings, and

Assessed
taxes to have
force of judg-
ment.

Sales for non-
payment of
taxes.

Certificate of
purchase.

Proviso.

Redemption of
property sold.

of all the facts stated therein; and also that all the requirements of the law in reference to the levy and assessment of the taxes, and the sale of the property, have been complied with; *Provided, however,* That real estate sold for the payment of taxes under this act may be redeemed, at any time within (2) two years from the date of the sale, on the payment of the amount for which such property was sold, with interest at the rate of ten (10) per centum per annum, and all taxes and costs which have accrued; and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury, for the benefit of the purchaser; and if infants, lunatics and married women shall be allowed one year, after the removal of their respective disabilities, for the redemption of their real estate; and upon such payment or deposit being made within the period allowed for redemption, the title created by such sale and certificate shall cease and determine, and the purchaser and claimant under him shall relinquish possession, or on failure to do so, shall be liable for an unlawful detainer.

Existing suits
not to be ef-
fected.

SEC. 27. *Be it further enacted,* That no suit, prosecution or claim, contract or agreement whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act; and all the existing ordinances or by-laws of Troy, adopted in pursuance of the present law of incorporation, and not in conflict with this act, shall be, and remain in force as the ordinances and by-laws of said corporation, until repealed or modified by the present corporate authorities, or those acting under this act.

Present officers of Troy to act until expiration of the term for which elected.

SEC. 28. *Be it further enacted,* That the present intendant and councilmen shall act as mayor and councilmen under this act, until the time for which they were elected has transpired, unless for some cause, under this act, or the law under which they were elected, there should be a vacancy, and until their successors are elected and qualified; and should a vacancy occur, they are empowered to fill it as provided for in this act. And the mayor and councilmen now in office shall have and exercise all the powers and authority which by this act are conferred on the mayor and councilmen to be elected hereafter under this act. And the intendant and councilmen, and other officers now in office, shall respectively

And may fill vacancies.

have and exercise all the authority and power which under this act are conferred respectively on the mayor and councilmen, and other officers of the corporation under this act. Their powers.

SEC. 29. *Be it further enacted*, That nothing in this act contained, shall be construed as repealing or in any wise affecting an act entitled "An act to incorporate Troy in the county of Pike, and to authorize said corporation to levy a tax to pay for stock subscribed by them in the Mobile and Girard Railroad, approved October 8, 1868, or an act entitled "An act supplementary to an act to incorporate the town of Troy, in the county of Pike, and to authorize said municipal corporation to levy a tax for a subscription to the stock of the Mobile and Girard railroad company," approved December 8, 1868, but said acts are continued in force and made valid, but not so far as to contravene the provisions of this act, and shall apply as well to the mayor and councilmen elected under this act, as to the intendant and councilmen now in office, and also to them acting under this act. And such mayor and councilmen are authorized and required to carry out the provisions of said acts, in so far as they relate to the subscribing of stock to the Mobile and Girard railroad, and to the payment of the bonds issued by the corporate authorities of Troy, generally known as the bonds in aid of the said railroad. This act not to affect certain acts mentioned.

SEC. 30. *Be it further enacted*, That this act shall have no effect to invalidate or repeal the following acts: An act to provide for the proper and equitable distribution of stock in the Mobile and Girard railroad among the tax payers of the town of Troy, approved December 15, 1869: An act to re-enact and put in force certain laws in relation to the incorporation of the town of Troy, approved December 15, 1869: An act to legalize and make valid the acts of the corporate authorities of the town of Troy, in subscribing to the capital stock of the Mobile and Girard railroad, and issuing bonds for the payment thereof, approved January 20, 1870: An act to provide for the payment of the bonds of the town of Troy, by the real estate owners of said town, approved January 20, 1870; but the corporate authorities acting under this act are authorized and required to put into effect and carry out the provisions of such acts in every respect whatever; and the acts of the corporate The council to carry said acts into effect

This act not to affect certain other acts

Said acts to be put into effect by the corporate authorities.

authorities acting under or all of the above named acts, are hereby made valid.

Sac. 31. *Be it further enacted,* That all laws in contravention of this act, and the powers herein granted, and the requirements herein contained, are repealed.

Conflicting
acts repealed.

No new street
to be opened
when the as-
sessed cost ex-
ceeds \$100.

Unless or-
dered by vote
of the citizens

Sac. 32. *Be it further enacted,* That no new street, lane or alley shall be opened when the cost thereof, exclusive of the work to be done, as assessed under the provisions of this act, exceeds the sum of one hundred dollars (\$100 00), unless a majority of the legal voters of such incorporation vote for the opening thereof at an election ordered for such purpose, under such rules and regulations as the mayor and councilmen may prescribe, but in all cases ten (10) days notice must be given of such election, and the purpose thereof.

Approved, February 17, 1870.

No. 129.]

AN ACT

To amend an act entitled "An act to provide for the removal of the county seat of Marengo county, Alabama, from Demopolis to Linden, in said county," approved December 4, 1869.

Act recited.

Be it enacted by the General Assembly of Alabama, That the act approved December 4, 1869, in words and figures, as follows: "An act to provide for the removal of the county seat of Marengo county from Demopolis, in said county, to Linden, in said county." Section 1. *Be it enacted by the General Assembly of Alabama,* That the county seat for Marengo county be, and the same is hereby removed from Demopolis in said county, and that said county seat be, and the same is hereby permanently located in the town of Linden in said county. Section 2. *Be it further enacted,* That James D. Fox, T. B. Jackson, and A. A. J. Riddle be, and they are hereby appointed a board of commissioners for the performance of the duties and exercise of the powers hereinafter enjoined and conferred upon them; a majority of said board may act, and may fill all vacancies therein. Sec. 3. *Be it further enacted,* That said board of commissioners are hereby empowered to purchase, at a reasonable price, for the use of said county, the court-

house and jail now at Linden, with the lots on which they are situate, and to remove, within two months from the approval of this act, all the books, papers and records of the several courts and public offices of said county, now required to be kept at the county seat of said county, from Demopolis to Linden, and to furnish the court of county commissioners with the amount necessary for such purpose; and failing to perform any of these duties shall be guilty of a misdemeanor, and on conviction shall be fined not more than one thousand dollars. Sec. 4. Be it further enacted, That any officer of said county failing or refusing to deliver said books, papers and records to said commissioners when applied for, and fail to afford access to the same, shall be guilty of a misdemeanor, and on conviction shall be fined not more than one thousand dollars. Sec. 5. Be it further enacted, That all said expenses for the public buildings and the removal of the records, books, papers and furniture, shall be allowed by the court of county commissioners by orders on the county treasurer; and if there should not be sufficient funds in the treasury for that purpose, then said court shall levy a special tax on the property of the tax-payers of said county to raise a sufficient amount to pay for the same; *Provided*, That any surplus now in the county treasury of said county, levied and collected, or to be collected, to build or to buy public buildings in Demopolis, shall first be expended for the above object. Sec. 6. Be it further enacted, That any and all contracts for work on public buildings in Demopolis, and all work thereon, shall cease from the approval of this act, and no payment made for or by the county for any work or labor done thereon from said time. Sec. 7. Be it further enacted, That to aid in raising the funds to carry this act into effect, the said board of commissioners are hereby authorized and empowered to sell at private sale or at public auction, all the property of said county in the said city of Demopolis, and place the proceeds in the county treasury to aid in paying said expenses; or if said board shall deem it more to the interest of said county, they are hereby authorized to remove such part or parts of said county property as they may think proper, to Linden, for the use of the county. Sec. 8. Be it further enacted, That an act entitled "An act to remove the county seat of Marengo county, Alabama, from Linden, in said

county, to the city of Demopolis, in said county," approved 4th December, A. D. 1868, be and the same is hereby repealed, approved December 4th, 1869, be and the same is hereby amended. 1st. By striking out the caption thereof and inserting in its stead the following :

Caption. "An Act to permanently locate the county seat of Marengo county." 2d, by striking out and repealing the 1st and 2d sections of said act and inserting in lieu thereof the following: "The sheriff of Marengo county shall order an election to be held at every precinct of said county within sixty (60) days from the passage of this act, after having given forty days notice thereof, either in the official newspaper of said county, or by ordering his deputies to stick up public notice in all the precincts to ascertain the sense of the voters thereof, as to the permanent location of the said county seat, at which election the qualified voters of said county may vote for either Linden, Demopolis or Dayton, to be the permanent seat of said county; those voting for Demopolis to put in a ballot upon which the word "Demopolis" shall be written or printed; and those voting for Linden to put in a ballot upon which the word "Linden" shall be written or printed; and those voting for Dayton to put in a ballot upon which the word "Dayton" shall be written or printed; which said election shall be held and conducted under the regulations provided for by the election laws of the State of Alabama; and if upon counting out the votes of said election it is found that Demopolis has received a majority thereof, the county seat of Marengo shall remain and be permanently located at Demopolis; but if Linden shall receive a majority of said votes, the said county seat shall be permanently located at Linden; but if Dayton shall receive a majority of said votes, the said county seat shall be permanently located at Dayton; *Provided*, That if Linden shall be the county seat, no bargain for the court-house or other public buildings and property of said county shall be valid until the same is approved by the court of county commissioners of said county; *And provided further*, That in case Demopolis receives a majority of said votes as the permanent seat of said county, the city of Demopolis shall pay all the expenses incurred under the provisions of this act.

1st and 2d sections repealed.

Substitute providing for election.

Places to be voted for.

Proviso.

County commissioners to approve contracts.

Expenses.

SEC. 2. *Be it further enacted*, That in the event Linden shall receive a majority of said votes at said election

as the permanent county seat of said county, James D. Fox, F. B. Jackson, A. A. J. Riddle, be, and they are hereby appointed a board of commissioners for the performance of the duties and exercise of the powers hereinafter enjoined and conferred upon them, and a majority of said board may act and fill all the vacancies therein. ^(Commissioners.)

SEC. 3. *Be it further enacted*, That sections six (6), and eight (8), of said act, be, and the same are hereby repealed. ^{Sections 6 and 8 repealed}

SEC. 4. *Be it further enacted*, That in the event a majority of the voters of said county of Marengo shall vote in favor of Linden as the permanent county seat of said county, then the court-house, jail and public buildings in the city of Demopolis, purchased and built by the commissioners under the act of December 4th, 1868, be, and the same shall become the property of Marengo. ^{In case Linden is selected}

SEC. 5. *Be it further enacted*, That should the sheriff of Marengo county fail to carry out or put into execution the duties incumbent upon him, as set forth in the above act, he shall be fined not less than five hundred dollars nor more than one thousand dollars, or may be imprisoned in the county jail not less than six months. ^{Sheriff's penalty for failure}

SEC. 6. *Be it further enacted*, That in case neither of said places shall have received a majority of votes cast at such election, then in that case the sheriff shall order a second election, giving thirty days notice thereof, as herein before provided, and at said second election, only the two places receiving the highest number of votes at the previous election, shall be voted for, and the place receiving the majority of votes cast at such second election shall be and remain the permanent county seat of said county. ^{Second election provided for.}

Approved, February 18, 1870.

No. 130.]

AN ACT

To make Eliza Pipkin, of Bullock county, a free dealer.

Be it enacted by the General Assembly of Alabama, That Eliza Pipkin, of Bullock county, wife of Haywood Pipkin, be and she is hereby made a free dealer, and she ^{Free dealer.}

is hereby empowered to contract and be contracted with, to sue and be liable to be sued, and to have and to hold property, and convey the same, in all respects as if she were a *femme sole*.

Approved, February 18, 1870.

No. 131.]

AN ACT

To make Victoria L. Harris, of Macon county, a free dealer.

Free dealer.

Be it enacted by the General Assembly of Alabama, That Victoria L. Harris, wife of William S. Harris, be and she is hereby made a free dealer, and she is hereby empowered to contract and be contracted with, to sue and be liable to be sued, and to have and hold property, and to convey the same in all respects as if she were a *femme sole*.

Approved, February 18, 1870.

No. 132.]

AN ACT

To make Susan C. Caldwell, of Macon county, a free dealer.

Free dealer.

Be it enacted by the General Assembly of Alabama, That Susan C. Caldwell, of Macon county, wife of James S. Caldwell, be and she is hereby made a free dealer, and she is empowered to contract and be contracted with, to sue and be liable to be sued, and to have and hold property, and to convey the same in all respects as if she were a *femme sole*.

Approved, February 18, 1870.

No. 133.]

AN ACT

To authorize Anne S. Prince, administratrix of the estate of O. T. Prince, deceased, to sell certain lands.

Be it enacted by the General Assembly of Alabama, That Anne S. Prince, administratrix of the estate of O. T. Prince, deceased, late of Tuscaloosa county, be and she is hereby authorized and empowered to sell, either at private sale or public auction, section three, and the east half of the north-east fourth of section ten, and the west half of the north-west fourth of section eleven, all in township twenty-three, of range four, east, containing about eight hundred acres, and situated in the county of Hale, in the State of Alabama. May sell certain lands.

SEC. 2. *Be it further enacted,* That said sale shall be reported under oath as all other sales by administrators, to the judge of the probate court of Tuscaloosa county, to be by him approved and confirmed, as now provided by law. Report to probate judge moved.

SEC. 3. *Be it further enacted,* That all laws and parts of laws to the contrary of this act, are hereby repealed so far as relates to said lands. Conflicting laws repealed.

Approved, February 19, 1870.

No. 134.]

AN ACT

To make Mrs. Barbara J. Noble, wife of George W. Noble, and Henrietta Sternfield, wife of M. Sternfield, of Montgomery county, free dealers.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, Mrs. Barbara J. Noble, wife of George W. Noble, and Henrietta Sternfield, wife of M. Sternfield, of Montgomery county, State of Alabama, be, and they are hereby authorized to contract and be contracted with, and to carry on business on their own account, to purchase, hold and dispose of property of every character; to sue and be sued, each as a *separate* sole, and by virtue of this act be declared free dealers. Free dealers.

Approved, February 18, 1870.

No. 135.]

AN ACT

To fix the time of holding the circuit courts in the eleventh judicial circuit.

Be it enacted by the General Assembly of Alabama,
Times of courts. of That the several circuit courts of the eleventh judicial circuit shall be held as follows :

Covington. In the county of Covington, on the first Mondays of March and September, and may continue one week.

Crenshaw. In the county of Crenshaw, on the second Mondays in March and September, and may continue two weeks.

Escambia. In the county of Escambia, on the fourth Mondays of March and September, and may continue one week.

Conecuh. In the county of Conecuh, on the first Monday after the fourth Monday of March, and may continue two weeks ; and on the first Monday after the fourth Monday of September, and continue one week.

Monroe. In the county of Monroe, on the fourth Monday after the fourth Monday of March, and continue one week ; and on the third Monday after the fourth Monday in September, and continue two weeks.

Wilcox. In the county of Wilcox, on the fifth Monday after the fourth Mondays of March and September, and may continue three weeks.

Butler. In the county of Butler, on the eighth Monday after the fourth Mondays of March and September, and may continue until the business is disposed of.

Processes, how returnable. SEC. 2. *Be it further enacted,* That all process returnable to the circuit courts of the respective counties composing said circuit, shall be returnable to the terms of said courts as fixed by this act.

Conflicting laws repealed. SEC. 3. *Be it further enacted,* That all laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, February 18, 1870.

No. 136.]

AN ACT

For the relief of Mary West, of Barbour county.

Be it enacted by the General Assembly of Alabama,
That from and after the passage of this act, Mary West,

of the county of Barbour, be, and she is hereby relieved from all the disabilities imposed upon her by a divorce in the chancery court for said county in favor of Allen West, and she be allowed to marry again. Relief granted

Approved, February 18, 1870.

No. 137.]

AN ACT

To make Elizabeth Brown, wife of Oliver C. Brown, of Bibb county; Mrs. Emma Alvis, wife of Thomas Alvis, of Bibb county; Mrs. Elizabeth P. Parker, wife of Socrates Parker, of Sumter county; Tabitha Stanford, wife of Samuel R. Stanford, of Dale county; Mary Griffin, wife of Lewis Griffin, of St. Clair county, free dealers.

Be it enacted by the General Assembly of Alabama, That Elizabeth Brown, wife of Oliver C. Brown, of Bibb county; Mrs. Emma Alvis, wife of Thomas Alvis, of Bibb county; Mrs. Elizabeth P. Parker, wife of Socrates Parker, of Sumter county; Tabitha Stanford, wife of Samuel R. Stanford, of Dale county; Mary Griffin, wife of Lewis Griffin, of St. Clair county, be, and they are hereby declared free dealers, with all the rights and liberties as if they were *femme soles*. Free dealers.

Approved, February 18, 1870.

No. 138.]

AN ACT

To transfer certain legal documents and papers from the county of Franklin to the county of Colbert.

Be it enacted by the General Assembly of Alabama, That the sheriff of Colbert county be, and he is hereby directed to demand of the sheriff, of the probate judge, of the clerk of the circuit court, and of the solicitor of Franklin county, the books, records, papers, documents or other property in their possession, property belonging to the territory and jurisdiction of Colbert county; and that said sheriff shall receive and deposit said materials in the various offices of Colbert county to which they Sheriff to demand papers.

respectively belong, receipting and being receipted for the same.

Removal of causes. SEC. 2. *Be it further enacted*, That cases which were pending in the circuit court of Colbert, and in the probate court at the time of removal, shall be removed, except in those cases which are about to be disposed of, and the removal of which would necessarily incur an unnecessary expense to the parties interested.

Officers to exercise jurisdiction. SEC. 3. *Be it further enacted*, That the tax collector or tax assessor, sheriff, probate judge, clerk of the circuit court, and all other officers of the county of Colbert, shall be and are hereby fully authorized and empowered to exercise the functions of the various offices which they respectively fill, according to the laws which are applicable in each case.

Debts to be paid pro rata by each. SEC. 4. *Be it further enacted*, That the *pro rata* portion of the existing indebtedness of Franklin county at the time of division shall be paid by the county of Colbert, according to sections 28 and 29, article 1, chapter 2, of the Revised Code of Alabama.

County site. SEC. 5. *Be it further enacted*, That until otherwise provided for by law, the county site of Colbert county shall be at Tuscumbia.

Conflicting laws repealed. SEC. 6. *Be it further enacted*, That all laws and parts of laws conflicting with this act are hereby repealed.

Approved, February 18, 1870.

No. 139.]

AN ACT

Amendatory and supplementary to "An act to provide for the support of hospital patients at Talladega, Alabama."

Preamble. WHEREAS, The freedmen's bureau, which had been supporting certain indigent, old and crippled persons since the war; and whereas, the bureau did expire on the first day of January, 1869; and whereas, by expiration of the freedmen's bureau, over sixty persons there, being supported by the bureau, were left without support, when the above recited act was passed, in and by which, an appropriation was made for their support for 1869; and whereas, said act expired on the 31st day of December, 1869; and whereas, there is now no pro-

vision by law for the support of those remaining in said hospital, for the year 1870; to remedy which—

Be it enacted by the General Assembly of Alabama, That said act entitled “An act to provide for the support of hospital patients at Talladega, Alabama,” be continued, and the same is hereby re-enacted, so as to be in full force and effect to and for the year 1870, and until the 31st day of December, 1870, with the exception of section 6th of said act, which reads as follows, to-wit: Act continued in force.

“Section 6. Be it further enacted, That the sum of six thousand five hundred dollars, be, and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the feeding, clothing, medicines, medical attention, fuel, &c., for the year 1869, to said trustees, and for the necessary bedding and furniture of said hospital, and for the compensation of said medical superintendent and steward, and for the welfare and comfort of such inmates and patients as are now in or may be admitted to said hospital,” which said section six is hereby repealed, and in lieu thereof: Except sec. 6.

SEC. 2. Be it further enacted, That the sum of five thousand two hundred dollars be, and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the feeding, clothing, medicines, medical attention, fuel, &c., for the year 1870, to said trustees, and for the necessary bedding and furniture of said hospital, and for the compensation of said medical superintendent and steward, and for the welfare and comfort of such inmates and patients as are now in said hospital. Sec. 6 recited.

SEC. 2. Be it further enacted, That the sum of five thousand two hundred dollars be, and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the feeding, clothing, medicines, medical attention, fuel, &c., for the year 1870, to said trustees, and for the necessary bedding and furniture of said hospital, and for the compensation of said medical superintendent and steward, and for the welfare and comfort of such inmates and patients as are now in said hospital. Substitute for sec. 6.

Approved, February 18, 1870.

No. 140.]

AN ACT

To make Mrs. Mary Hines, of Coosa county, a free dealer.

Be it enacted by the General Assembly of Alabama, That from and immediately after the passage of this act, Mrs. Mary Hines, wife of James Hines, of the county of Coosa, and State of Alabama, be, and she is hereby declared a free dealer, and is hereby authorized and empowered to contract and to be contracted with, and to Free dealer.

carry on business on her own account; to purchase, hold and dispose of property, both real and personal, or mixed, in her own name, and for her own use, and to sue and be sued, as if she was a *femme sole*, and that all further acquisitions of property from her former husband's estate, or from any other source, of any and all descriptions whatsoever, shall be free from liability for any debt, debts or contracts, of her said husband or any further husband.

Approved, February 18, 1870.

No. 141.]

AN ACT

To amend section 1381, chapter 14, article 3, title 13, of the Code.

Be it enacted by the General Assembly of Alabama, That section 1381, chapter 14, article 3, title 13, of the Revised Code of Alabama, which reads as follows, to-wit: "The court of county commissioners of each county is invested with authority to establish toll bridges, causeways and ferries, within their respective jurisdictions, as hereinafter provided, and may levy a special tax to build such bridges and causeways, when, in the opinion of such court the public good requires," be, and the same is hereby so amended as to read as follows, to-wit: The court of county commissioners of each county is invested with authority to establish toll bridges, free bridges, causeways and ferries within their respective jurisdiction as hereinafter provided, and may levy a special tax to build said bridges and causeways, when, in the opinion of such court, the public good requires.

Sec. 2. Be it further enacted, That said section 1381, recited in first section of this act, be and the same is hereby repealed.

Approved, February 18, 1870.

No. 142.]

AN ACT

To furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State.

Be it enacted by the General Assembly of Alabama, That the credit of the State of Alabama shall be afforded to corporations now chartered to construct railroads in this State for the purpose of expediting the construction of the same within the State, to the extent, and upon the conditions and in the manner provided in the following sections of this act. State credit to be afforded.

SEC. 2. *Be it further enacted,* That whenever any railroad company now incorporated, or which may be incorporated by the 1st day of April, 1870, under the laws of Alabama, for the purpose of constructing any line of railway within the limits of the State of Alabama, shall have finished, equipped and completed twenty continuous miles of the railroad of any such railroad company, at or near either terminus, or at the intersection or crossing of any other railroad in operation on the line of said railroad, it shall be the duty of the Governor of the State of Alabama, and he is hereby required, on the application of such railroad company, to endorse, on the part of the State of Alabama, the first mortgage bonds of said railroad company to the extent of sixteen thousand dollars per mile for that portion thus finished, equipped and completed; and when another continuous section of five (5) miles is so finished, equipped and completed, it shall be the duty of the Governor of the State of Alabama, and he is hereby required, on like application, to endorse the first mortgage bonds of said railroad company to the extent of sixteen thousand dollars per mile for the section of five (5) miles so finished, equipped and completed; and this rate of endorsement shall be continued upon the same conditions for each subsequent continuous section of five (5) miles, until said railroad is completed; *Provided,* That the provisions of this act do not apply to roads of less than thirty miles in length, nor to the New Orleans, Mobile & Chattanooga Railroad Company; *Provided further,* That the endorsement provided for in this act, shall not apply to any railroad company that has heretofore received an endorsement under existing laws; *Provided further,* That before any rail-

Companies to be benefited.

Conditions.

Governor to endorse bonds

Further endorsement when additional sections are completed.

Not to apply in certain cases or to N. O., Mobile & Chattanooga R. R. Co.

Or, to R. Roads that have received endorsement under existing laws.

Proofs required of the company.

Penalty for making false statement.

Conditions of this act not to apply to certain cases.

Bonds not to be sold for less than 90 per cent. of their value.

road company embraced in this act shall receive any endorsement of the State upon its bonds, the Governor shall require proof, by affidavit of the president and treasurer of said railroad company, that the first twenty miles thereof were built from other resources of said company, independent of the State aid authorized by the provisions of this act, and that the amount required to build said twenty (20) miles is not to be refunded, either in whole or in part, from the proceeds of bonds to be endorsed by the State, but that the means used in building said twenty (20) miles have been derived *bona fide* from other resources of said company; and if the president and treasurer of said railroad company, making application for the endorsement of its bonds, shall procure such endorsement by any false statement, in violation of the true intent and meaning of this provision, which is hereby declared to be, that said company must build the first twenty (20) miles of its road from other resources, independent of the bonds endorsed by the State, the said president and treasurer, or either of them, may be indicted before the grand jury of any county in the State, and on conviction thereof, before any court of competent jurisdiction, shall be liable to imprisonment in the penitentiary of this State for not less than five (5) nor more than ten (10) years; and the directors, corporators and stockholders of such company, having knowledge of and consenting to such false statement, shall be individually liable to the creditors of said company for any indebtedness of said company, which may be recovered by any creditor of said company as in other actions of debt; but the foregoing provisos of this section subsequent to the words "New Orleans, Mobile & Chattanooga Railroad Company," shall not apply to any company now engaged in the construction of the first section of twenty miles of its railroad within this State, and who shall complete and equip the said first twenty (20) miles of its railroad, in the manner required by the provisions of the act entitled "An act to establish a system of internal improvements in the State of Alabama," approved February 19th, 1867, and amendments thereto of September 22d, 1868, within sixty (60) days from the passage of this act; *And provided further*, that the bonds mentioned in this act shall not be bartered or sold for a less sum than ninety (90) per cent. of their par value, or exchanged, sold, bartered or used, in

the whole or in part or amount thereof, for iron, machinery, rolling stock, or other thing at a greater rate than the cash market value of such iron, machinery, rolling stock, or other thing, to be used in and about the construction of such road; *And, provided further,* ^{Company to make return as to the use made of bonds} That the said railroad company shall make return to the Governor, showing the uses to which the money realized on each installment of endorsed bonds has been applied, and unless the Governor shall be fully satisfied that the money has been faithfully, honestly and economically expended, at the usual rates for the labor performed and material purchased, he shall not endorse further for said company failing to make such satisfactory statement; *And provided further,* That roads excepted by the provisions of this act, shall hereafter build twenty (20) additional miles of their road, in compliance with this act. ^{Proviso.}

SEC. 3. *Be it further enacted,* That so soon as the Governor, on the part of the State, shall endorse the bonds of any company embraced in the provisions of this act, said endorsement shall constitute a first lien, upon the section or sections of said road as far as completed, including road-bed, superstructure and equipment, and the franchise of the company granted by this State, or under its authority; and the State of Alabama, upon the endorsement of said bonds and by the virtue of the same, shall be invested with said lien or mortgage, without a deed from the company, for the payment by said company of said bonds, with the interest thereon, as the same becomes due; and when the whole of said road shall be completed, the State of Alabama shall be invested with a first lien, without a deed from the company, upon the entire road within this State, and the franchise granted by this State or under its authority, including the right of way, grading, bridges, masonry, rails, spikes, and joint-fastenings, and the whole superstructure and equipments, and all the property owned by the company as incident to, or necessary for its business, including depots and depot stations, and all other property, real or personal, belonging to said company, or hereafter to be acquired by them, for the payment of all of said bonds endorsed for the company, as provided in this act, and for the interest accruing on said bonds; and after the Governor, on the part of the State, shall have endorsed any bonds as aforesaid for any road making application therefor, under this act, it shall not be lawful

^{Endorsement of bonds to constitute a first lien upon the property of the company}

for said company to give, create or convey to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with the lien of the State secured by this act; and any such lien, incumbrance or mortgage, created after the passage of this act, shall be null and void as against such lien or mortgage of the State, as to any and all bonds so endorsed on behalf of the State under the provisions of this act; and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

SEC. 4. *Be it further enacted*, That it shall be the duty of said company to deposit with the Auditor of the State of Alabama, at least fifteen (15) days before the interest becomes due, from time to time upon said bonds, endorsed as aforesaid, an amount sufficient to pay such interest, including exchange and necessary commissions, or satisfactory evidence that said interest has been paid or provided for; and if said company fail to deposit said interest as aforesaid, or to furnish the evidence aforesaid, it shall be the duty of the Auditor to report that fact to the Governor, and the Governor shall direct provision to be made, as hereinafter mentioned, to meet said interest when due, and the Governor may immediately appoint some suitable person or persons, at the expense of the company, to take possession and control of said railroad, and all the assets thereof, and manage the same and secure the rents, issues, profits and dividends thereof, whose duty it shall be to give bond and security to the State of Alabama, in such penalty as the Governor may require, for the faithful discharge of his or their duty, as receiver or receivers, to receive said rents, issues, profits and dividends, and pay over the same, under the direction of the Governor, toward the liquidation of such unpaid interest; and if said company fail or refuse to deliver up said road to the person or persons so appointed by the Governor, the said persons so appointed shall report that fact to the Governor, who shall forthwith issue his warrant, directed to the sheriffs of the counties through which the said roads shall run, commanding them to take possession of said road, fixtures and equipments, and everything pertaining thereto, and place the said receiver in full and complete possession of the same; and said receiver, so appointed, shall continue in possession

Company to
deposit money
with the audi-
tor sufficient
to pay interest

In default
the Governor
to appoint
some person
to take posses-
sion of road.

May require
sheriffs to take
possession.

of said road, fixtures and equipments, and run the same, and manage the entire road, until a sufficient sum shall be realized, inclusive of the costs and expenses incident to such proceedings, to pay off and discharge the interest as aforesaid, due on said bonds, which being done, the receiver shall surrender such road, fixtures and equipments to said company. It is further provided, that in the event the said receiver should find that the said railroad will not net a sufficient amount over and above its operating expenses to meet the interest from time to time as provided in this bill, the Governor may proceed to foreclose the mortgage and sell the road, outfit, and equipments. The Auditor shall, from time to time, settle the account with the receiver, and the balance shall be deposited in the treasury of this State. The Auditor is authorized, and it is made his duty, upon his warrant, to draw from the treasury, any sum of money necessary to meet the interest on any bonds endorsed by the State, whenever said interest is not provided for by the company, and to pay such interest, when due, as provided for in this act; and the Auditor shall report thereon to the General Assembly from time to time, and in case the exigency requires, the Governor is hereby authorized and directed to negotiate temporary loans for said purpose, and to pledge the faith of the State for the payment of the same, so that the interest upon all the endorsed bonds of the State shall be promptly paid when due.

If road will not earn enough to pay interest Governor may sell it.

Auditor to report to the General Assembly.

SEC. 5. *Be it further enacted*, That if said company shall fail or refuse to pay any of said bonds, when they fall due, it shall be the duty of the Governor to notify the Attorney General of the fact, and through said Attorney General shall file forthwith a bill against said company in the name of the State of Alabama, in the chancery court of the district in which is situated the principal office of said company in Alabama, setting forth the facts, and thereupon said court shall make all such orders and decrees in such cause as may be deemed necessary by the court to secure the payment of said bonds, with the interest thereon, and to indemnify the State of Alabama against any loss on account of the endorsement of said bonds by ordering the said railroad to be placed in the hands of a receiver, ordering the sale of said road, and all the property and assets attached thereto, or belonging to said company, or in such other

In case of refusal to pay bonds, attorney-general to take action.

manner as the court may deem best for the interest of the State.

SEC. 6. *Be it further enacted,* That in the event of any of the railroads, fixtures, or property, real or personal, belonging to any of said roads, shall be sold under the provisions of this act, it shall be the duty of the Governor to appoint an agent for the State, who shall attend said sale and protect the interests of the State, and shall, if necessary to protect said interest, buy in said road or property in the name of the State; and in case said agent shall purchase said road for the State, the Governor shall appoint a receiver, who shall take possession of said road and property, and use the same as provided in section four (4) of this act; and said receiver shall settle with the Auditor semi-annually until the next meeting of the General Assembly.

SEC. 7. *Be it further enacted,* That at the end of five (5) years after the endorsement of the bonds for the first section of said road as provided for in this act, said railroad company shall set apart two per cent. per annum upon the amount of bonds of said company endorsed by the State as aforesaid, and shall use the same in the purchase of the bonds of the State of Alabama, or the railroad bonds endorsed by the Governor of the State under the provisions of this act, which bonds the company shall pay into the Treasury of the State, after assigning them to the Governor, and for which the Governor shall give the company a receipt, that as between the State and said company the bonds so paid in shall be a credit on the bonds endorsed as aforesaid for the company; and the bonds so paid in, and the interest accruing thereon from time to time, shall be held and used by the State as a sinking fund for the payment of the bonds endorsed by the Governor for the company as aforesaid, and should said company return any of the bonds endorsed for it under the provisions of this act to the Governor, they shall be a credit to said company, and shall be cancelled; and should said company fail to comply with any of the provisions of this section, it shall be proceeded against as provided in the fourth section of this act.

SEC. 8. *Be it further enacted,* That the president of any company receiving the endorsement of the State shall make semi-annual reports, under oath, to the Gov-

In case of sale Governor may appoint agent to protect the interests of the State.

After 5 years the company to set apart 2 per ct. of the principal of the bonds annually as sinking fund.

ernor, until the completion of said road, setting forth fully the condition of the road and the company; and after its completion, he shall report to the Governor annually, showing the financial condition of the company, giving a statement of the traffic of the road from freight and passengers, net earnings and dividends upon its stock; and said reports shall be laid before the Governor thirty days before the annual assembling of the Legislature of the State for its action.

The president of the company to make semi-annual reports under oath.

SEC. 9. *Be it further enacted*, That the State of Alabama expressly reserves the right to enact, by the Legislature thereof, hereafter, all such laws as may be necessary to protect the interests of the State, and to secure the State against any loss in consequence of the endorsement of the bonds under any of the provisions of this act, but in such a manner as not to impair the vested rights of the stockholders of the company.

State may enact laws to protect her interests.

SEC. 10. *Be it further enacted*, That this act shall be deemed and taken to be a public act as to all purposes.

This act a public act.

SEC. 11. *Be it further enacted*, That no road embraced in this act shall be entitled to the benefits of this act, unless it shall complete the first section of twenty (20) miles, as provided in the second section of this act, on or before the first day of November, 1871, and shall build and complete for use, an average of at least twenty (20) miles annually, from and after the first endorsement by the Governor, as required therein, or at that rate until said road shall be fully completed.

No road to receive aid unless first section complet'd by Nov. 1, '71, and 20 miles annually there after.

SEC. 12. *Be it further enacted*, That in all cases where bonds are endorsed by the Governor in behalf of the State for any of said railroad companies, under the provisions of this act, the State of Alabama shall be entitled to two directors in each of said companies, to be appointed by the Governor of the State.

State to have two directors.

SEC. 13. *Be it further enacted*, That a notification to the Governor of the State by any corporation engaged in the construction of a road within the provisions of this act, that such company will construct a first-class railroad, with a view to the obtainment of the endorsement of bonds under this act, and the actual *bona fide* completion of twenty (20) continuous miles of the same from resources independent of any aid to be derived from the State, shall amount to a contract upon the part of the corporation that it will, within the time prescribed by this act, finish, equip, and complete the

Notification by company to have force of contract.

same, of the first-class ; and upon the part of the State that it will endorse the bonds of such corporation, upon the conditions, and in the manner prescribed in this act, subject to the conditions of the second and third sections of this act.

Evidence to be furnished by company before receiving endorsement.

SEC. 14. *Be it further enacted*, That before any company making application for the endorsement of the State upon its bonds, shall receive the same, such company shall furnish evidence satisfactory to the Governor, that the following conditions have been complied with, to-wit : That the superstructure has been well and properly laid upon a good, substantial road bed, with cross-ties of an average of at least seven (7) inches, heart face, if hewed, and six (6) inches by eight (8) inches if sawed, and laid not more than thirty (30) inches from centre to centre if hewed, nor more than twenty-seven (27) inches if sawed, with rails of good quality, weighing not less than fifty (50) pounds to the yard, connected by joint fastenings of approved pattern ; that the excavations and embankments have been brought to proper slope, according to material, and to the grade adopted by the Chief Engineer for the permanent working of the road ; culverts shall be of substantial masonry, and bridges and trestles shall be substantial and of most approved plan ; and that an outfit and equipment has been provided sufficient to perform promptly and efficiently the business of that portion of the road completed at the time when application is made for the State endorsement as aforesaid ; and a compliance with the conditions aforesaid shall be construed as constituting a first-class road within the meaning and for the purposes of this act, subject to the conditions of the second section of this act ; *Provided*, That, to ascertain whether the conditions specified in this section have been complied with, the Governor may, and he is hereby authorized and empowered to appoint a board of three competent persons, one of whom must be a civil engineer, and neither of whom shall be under the employ of any railroad company applying for State aid, to examine the work, and must take their statement as to the condition of the road and equipment ; such board must be paid by the railroad companies which make the application for such endorsement upon the certificate of the Governor to the effect that such examination has been made, and their sworn statement filed in his office as aforesaid ;

Governor may appoint board of examiners.

the pay of the members of such boards shall be eight dollars a day, and actual expenses during the time actually employed.

SEC. 15. *Be it further enacted*, That as a condition on which the aid is granted by this act, the several railroad companies shall not charge more than four (4) cents per mile for each passenger travelling over their lines; and shall not charge more than twenty-five (25) per cent. higher rates for carrying local freight than they will for carrying through freight; nor shall they discriminate unfavorably against any citizen of Alabama, in respect of any of the benefits or privileges of their roads.

Rates of fare and freight limited.

No discrimination betw'en passengers allowed.

SEC. 16. *Be it further enacted*, That as a further condition on which the aid above mentioned is granted by this act, the several companies availing themselves of the provisions of this act shall be, and they are hereby required, severally, to give a preference, on equally favorable terms, in all contracts for cross-ties, rails, chairs, spikes, joint fastenings, locomotives, cars of all kinds, and other materials and equipments, to the proprietors of such foundries, mills, manufactories, and other works, as are engaged in the manufacture of minerals, ores and other raw material found or produced within the limits of the State of Alabama, and on the presentation to the Governor of evidence satisfactory to him that the conditions recited in this section have not been complied with by any company building a railroad within the State of Alabama, the Governor is hereby authorized and required to refuse to endorse on the part of the State, the bonds of such railroad company.

Preference in contracts to be given to material of home production.

Penalty for non-compliance.

Approved, February 21, 1870.

No. 143.]

AN ACT

To relieve Matthew Spann from the penalties imposed for illegal voting.

Whereas, At an election held in Union Springs, Bullock county, in August, 1869, for a member of Congress and one Representative in the State Legislature, two polling boxes were opened, and

Preamble.

Whereas, Matthew Spann, after voting at one of said boxes, was informed that his vote would not count at

that box, and that he should have voted at the other, and accordingly he did so; and after discovering that both boxes were the same, and that the same candidates were voted for at each, he requested the managers of one of those boxes to throw out his vote, and thus disclosed his offense; and

Whereas, Since then proceedings have been instituted against him in the courts of Bullock county, for illegal voting; and

Whereas, It is evident that it was from ignorance and not from any criminal intent that said illegal voting was done; therefore,

Be it enacted by the General Assembly of Alabama, That Matthew Spann be, and he is hereby relieved from any and all penalties for violating the election laws of this State, at the time and in the manner stated in the preamble to this act, any law to the contrary notwithstanding.

Approved, February 21, 1870.

No. 144.]

AN ACT

To remove the administration of the estate of James W. Hall from the probate court of Marengo county to the probate court of Wilcox county.

Be it enacted by the General Assembly of Alabama, That the administration of the estate of James W. Hall, late of Marengo county, deceased, be and the same is hereby removed from the county of Marengo, in said State, to the county of Wilcox.

SEC. 2. Be it further enacted, That the jurisdiction now existing in the probate court of Marengo county touching and concerning said estate and the administration thereof, be and the same is hereby withdrawn from the probate court of Marengo county, and the same be hereby vested in the probate court of Wilcox county, and the laws of this State governing the management of estates and the liabilities of executors and administrators, and the filing and prosecution of claims against estates, and suits, actions and all proceedings in law or equity against executors and administrators, shall apply to said estates and the present administrator thereof, or any

future administrator, as if the said decedent had at the time of his death been an inhabitant of the county of Wilcox, and as if the probate court of Wilcox county had had original jurisdiction thereof.

SEC. 3. *Be it further enacted*, That upon the production to the probate judge of Marengo county, of a certified copy of this act, it shall be his duty to transmit to the probate judge of Wilcox county, all the papers in reference to the estate of said decedent on file in his office, together with a transcript of the same, and all the proceedings had in said probate court of Marengo county touching said estate, with his certificate of the genuineness of the said transcript, and all the fees due the probate judge and other officers of Marengo county, shall be paid by said administrator before said papers and transcript shall be transmitted to the judge of probate of Wilcox county. Papers to be transferred.
Transcript.

Approved, February 21, 1870.

No. 145.]

AN ACT

To declare Wiley Dixon a citizen of Covington county.

Be it enacted by the General Assembly of Alabama, That the boundary line between the counties of Covington and Escambia be so changed as to make Wiley Dixon a citizen of Covington county; this act to take effect from and after its passage. Boundaries changed.

Approved, February 21, 1870.

No. 146.]

AN ACT

To empower the court of commissioners of roads and revenue of the county of Baldwin to issue bonds.

Be it enacted by the General Assembly of Alabama, That the court of commissioners of roads and revenue of the county of Baldwin, be, and they are hereby authorized and empowered to issue bonds of the county to the amount not to exceed five thousand dollars, or so much thereof as the court may deem expedient, payable Bonds may be issued.
Not to exceed \$5,000.

in five years from the date of issue, and bearing eight per cent. annual interest, for the purpose of building a court-house and jail for said county.

Approved, February 21, 1870.

No. 147.]

AN ACT

To attach the county of Colbert to the northern chancery division of the State of Alabama, which is to be known as the twelfth chancery district, and to fix the time of holding court therein.

Colbert attached to the northern division.

12th district.

Terms of court.

Existing suits.

Be it enacted by the General Assembly of Alabama, That the county of Colbert be, and is hereby attached to the northern chancery division, as a part thereof of the State of Alabama, and shall be known by the twelfth chancery district of said division; and the first terms of court in and for said county of Colbert shall be held at Tuscumbia, at the court-house thereof for said county, beginning on the Monday preceding the first Monday in May, and the first Monday in November, and may continue six days at each term, and be held annually till changed by law.

SEC. 2. *Be it further enacted,* That the existing suits in chancery courts shall remain where they now are, unless removed by the mutual consent of parties interested in such causes.

Approved, February 21, 1870.

No. 148.]

AN ACT

For the relief of Mariah D. Jackson, of Pike county.

Relief granted

Be it enacted by the General Assembly of Alabama, That Mariah D. Jackson, the former wife of Franklin A. Jackson, of Pike county, be relieved from the pains and penalties of bigamy in the event of her future marriage with any other person.

Approved, February 21, 1870.

No. 149.]

AN ACT

To make Mrs. Sidney Jones, of Lee county, Mrs. E. P. Parker, wife of Soc. Parker, of Sumter county, Martha A. Wadsworth, wife of Daniel Wadsworth, of Autauga county, Lavicy Morgan, wife of William Morgan, of Etowah county, Mrs. Ross, wife of R. F. Ross, of Lee county, and Mrs. Jane C. Whitehead, wife of J. Pinkney Whitehead, of Fayette county, free dealers.

Be it enacted by the General Assembly of Alabama, That Mrs. Sidney Jones, of Lee county, Mrs. E. P. Parker, wife of Soc. Parker, of Sumter county, Martha A. Wadsworth, wife of Daniel Wadsworth, of Autauga county, Lavicy Morgan, wife of William Morgan, of Etowah county, Mrs. Ross, wife of R. F. Ross, of Lee county, and Mrs. Jane C. Whitehead, wife of J. Pinkney Whitehead, of Fayette county, be declared free dealers, with the right to sue and be sued, plead and be impleaded, and to manage their own estates.

Approved, February 21, 1870.

No. 150.]

AN ACT

To declare Martha Howell, of Barbour county, and Martha Maroney, wife of P. D. Maroney, of Shelby county, free dealers.

Be it enacted by the General Assembly of Alabama, That Martha Howell, of Barbour county, and Martha Maroney, wife of P. D. Maroney, of Shelby county, be, and they are hereby declared free dealers, notwithstanding their marriage, to sue and be sued, contract and be contracted with, and have and hold property, and convey the same as if they were *femme soles*.

Approved, February 21, 1870.

No. 151.]

AN ACT

To establish an election precinct at Haw Ridge, in Dale county.

Election pre-
cinct at Haw
Ridge.

Be it enacted by the General Assembly of Alabama,
That an election precinct is hereby established at Haw
Ridge, in the county of Dale.

Approved, February 21, 1870.

No. 152.]

AN ACT

To establish a chancery court for Hale county.

Chancery
court twice a
year.

Be it enacted by the General Assembly of Alabama,
That a chancery court shall be held in the county of
Hale, twice in each year, at such times as may be ap-
pointed by the chancellor of the western chancery di-
vision, of which notice shall be given in some newspa-
per by such chancellor, or by the register under his
directions; and that Hale county shall constitute the
ninth (9th) district in said division.

Transfer of
causes.

SEC. 2. *Be it further enacted,* That such causes as
properly appertain to the jurisdiction of the chancery
court of Hale county, pending in the chancery court of
the fifth chancery district of said division, shall be trans-
ferred by order of the chancellor to the chancery court
of Hale county.

Approved, February 21, 1870.

No. 153.]

AN ACT

To authorize Julia Knighton of Cleburne county, widow
of Jerry Knighton, deceased, to sell certain lands.

May sell lands
without ad-
ministration.

Be it enacted by the General Assembly of Alabama,
That Julia Knighton, of Cleburne county, widow of
Jerry Knighton, be, and she is hereby empowered to
sell and dispose of, without administration, the follow-
ing described lands, to-wit: The north half of the
south-east quarter of section fifteen, township thirteen,

and range eleven, containing eighty acres, more or less, the lands being in said county of Cleburne, and to make title to said lands as fully, and to the same extent that an administrator of Jerry Knighton might do.

SEC. 2. *Be it further enacted*, That the proceeds of ^{Proceeds, how} the sale of said lands shall be used by said Julia Knighton ^{used.} for the benefit of herself and children.

Approved, February 21, 1870.

No. 154.]

AN ACT

To carry into effect in Alabama, the provisions of the seventh clause of the Convention between the United States of America and His Majesty the Emperor of the French, concluded on the 23d February, A. D. 1853.

WHEREAS, By the seventh article of the Consular Convention between the United States of America and ^{Preamble.} His Majesty the Emperor of the French, concluded on the 23d day of February, A. D. 1853, citizens of the United States have accorded to them in France, the same rights, within its territory, in respect to real and personal property, and to inheritances, as are enjoyed there by its own citizens, and the faith of the United States was pledged, in the same treaty, that the several States of the Union would enact laws conferring on French citizens like rights within their respective limits.

Be it enacted by the General Assembly of Alabama, That French citizens, or subjects, shall have and enjoy the right of possessing personal and real property, by the same title and in the same manner, in this State, as ^{French citizens may hold real estate.} the citizens of the United States have and enjoy. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as citizens of the United States can, and in no case shall they be subject to taxes on ^{May dispose of same.} transfers, inheritances, or to any other taxes different from those paid by citizens of the United States, nor to any tax which shall not equally be imposed on citizens of the United States.

SEC. 2. *Be it further enacted*, That the State of Alabama hereby releases any and every right and title it

Rights of
escheats sur-
rendered.

Proviso.

may have, under the law of escheats, to the property and estate of any French citizen or subject who may have died since the 23d day of February, 1858, to such persons as would have been the heirs of such French citizen or subject, had not he or they been aliens, and such persons are made eligible to sue for, recover, hold and transmit the same by inheritance or otherwise, the same as citizens of the United States; *Provided*, That this shall not apply when there has been any judicial condemnation and sale of such property.

Approved, February 21, 1870.

No. 155.]

AN ACT

To define the corporate limits of Livingston, in Sumter county.

Corporate
limits defined.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the corporate limits of the town of Livingston, in Sumter county, shall embrace an area of land one half mile square, the boundary lines of which shall be equidistant, east, west, north and south, from the centre of the present courthouse of said county, except where Sucarnochee river intervenes, the north bank of said river, in such cases, constituting the limits of the said corporation.

Qualification
of voters.

SEC. 2. *Be it further enacted*, That all qualified voters under the laws of this State, who have resided in said town six months previous to any election held by virtue of the charter of said town, shall be entitled to vote at such election, anything in said charter to the contrary notwithstanding.

Conflicting
laws repealed.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved, February 21, 1870.

No. 156.]

AN ACT

To provide for the election of marshal for the city of
Tuskaloosa.

Be it enacted by the General Assembly of Alabama, ^{Marshal to}
That the marshal of the city of Tuskaloosa shall be elected.
elected as other city officers, by vote of the people.

SEC. 2. *Be it further enacted,* That all laws or parts ^{Conflicting}
of laws in conflict with this act, are hereby repealed. ^{laws repealed.}
Approved, February 21, 1870.

No. 157.]

AN ACT

For the relief of the estate of Winfield Woolf, deceased.

Be it enacted by the General Assembly of Alabama, ^{Sale set aside.}
That the sale of a certain house and lot in the town of
Dayton, Marengo county, Alabama, the late residence
of Winfield Woolf, deceased, and known as the Catlin
place, be, and the same is hereby set aside; *Provided,*
That the purchaser, and the administrator of said estate, ^{Proviso.}
assent thereto.

SEC. 2. *Be it further enacted,* That said house and ^{Property of}
lot is hereby set apart, and declared to be the property ^{estate of Woolf}
of the estate of the said Winfield Woolf, deceased, and
as such, subject to the control of said administrator.

Approved, February 21, 1870.

No. 158.]

AN ACT

To remove the disabilities of non-age from Miss Ala-
bama McDaniel, of Jefferson county; Wm. Thomas
Cheney, of Marengo county; Jas. W. Hartsfield, of
Pike county; Jno. M. Rogueman, and Isham L. John-
son, of Barbour county.

Be it enacted by the General Assembly of Alabama, ^{Disabilities}
That Miss Alabama McDaniel, of Jefferson county; ^{of non-age re-}
Wm. Thos. Cheney, of Marengo county; James W. ^{moved.}
Hartsfield, of Pike county; John M. Rogueman, and

Isham L. Johnson, of Barbour county, be, and they are hereby relieved of the disabilities of non-age and minority, and that they are hereby invested with power and legal capacity to sue and be sued, plead and be impleaded, make contracts as though they were twenty-one years of age.

Approved, February 21, 1870.

No. 159.]

AN ACT

To amend and repeal subdivision ten of section 750, of the Revised Code.

Sec. 750 re-cited.

Be it enacted by the General Assembly of Alabama, That subdivision ten of section 750, Revised Code, which reads as follows: "In the tenth circuit, in the county of Randolph, on the first Monday in March and September, and may continue one week; in the county of Clay, on the second Monday in March and September, and may continue one week; in the county of Shelby, on the third Monday in March and September, and continue two weeks; in the county of Coosa, on the first Monday after the fourth Monday in March and September, and may continue one week; in the county of Talladega, on the second Monday after the fourth Monday in March and September, and may continue until the business is disposed of;" be so amended as to read as follows:

Amendment.

Randolph.

In the tenth circuit, in the county of Randolph, on the third Monday in February and August, and may continue two weeks.

Clay.

In the county of Clay, on the first Monday in March and September, and may continue two weeks.

Shelby.

In the county of Shelby, on the third Monday in March and September, and continue two weeks.

Coosa.

In the county of Coosa, on the first Monday after the fourth Monday in March and September; and may continue one week; and

Talladega.

In the county of Talladega, on the second Monday after the fourth Monday in March and September, and may continue until the business is disposed of.

Sec. 2. *Be it further enacted,* That the said subdivi-

vision ten of said section 750, so amended, be, and the same is hereby repealed. Sec. 750 repealed.

Approved, February 21, 1870.

No. 160.]

AN ACT

To authorize Eusebius C. Sheffield, W. A. Gilbert and A. C. Gilbert, minors, to settle with their guardians as though they were of full age.

Be it enacted by the General Assembly of Alabama, May settle with guardians
That Eusebius C. Sheffield, a minor, residing in the county of Wilcox and State of Alabama, be, and he is hereby authorized and empowered to settle with his guardian, Peter M. Sheffield; and W. A. Gilbert and A. C. Gilbert, minors, of Mobile county, be and are hereby authorized to settle with their administrator, L. M. Wilson, fully and finally as though they were of full age, and to take charge of their property of whatever kind or character.

SEC. 2. *Be it further enacted,* That the said Eusebius C. Sheffield, W. A. Gilbert, and A. C. Gilbert, though Disabilities of non-age removed.
under the age of twenty-one years, be and they are hereby empowered and qualified to make contracts and enter into agreements; and they are also authorized to sue and are made liable to be sued, in the same manner and to the same extent as though they were of full age of twenty-one years.

Approved, February 21, 1870.

No. 161.]

AN ACT

For the relief of Wm. S. Napier, of Lawrence county.

Be it enacted by the General Assembly of Alabama,
That Wm. S. Napier, of the county of Lawrence, of the State of Alabama, a minor, and under the age of twenty-one years, be, and he is hereby authorized to manage Disabilities of non-age removed.
and transact all business connected with his estate, and that all contracts which he shall make after the passage of this act shall be legal, and of as full effect as though

he were twenty-one years of age ; and he is hereby fully authorized to settle with his guardian, and receive the property and effects coming to him from his guardian, as fully as though he were twenty-one years of age.

Approved, February 21, 1870.

No. 162.]

AN ACT

To amend an act entitled an act making appropriation for educational purposes in the State of Alabama, approved October tenth, (1868,) eighteen hundred and sixty-eight.

Be it enacted by the General Assembly of Alabama,
 1st sec. recited That the first section of the act named in the caption, which is in the following words: "Section 1. Be it enacted by the General Assembly of Alabama, That the sum of two hundred and forty-five thousand four hundred and eleven dollars and forty-six cents, be, and the same is hereby appropriated for educational purposes in the State of Alabama, for the scholastic year, beginning October first, eighteen hundred and sixty-eight, the same being interest now due from the State on school fund ; *Provided*, That a sum not exceeding forty-five thousand four hundred and eleven dollars and forty-six cents of this amount be applied to the payment of teachers who rendered service in the public schools of this State since the beginning of the scholastic year commencing July first, eighteen hundred and sixty-six," be amended, so
 Amendment. as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the sum of two hundred and forty-five thousand, four hundred and eleven dollars and forty-six cents (\$245,411 46), be, and the same is hereby appropriated for educational purposes in the State of Alabama, for the scholastic year, beginning October first, eighteen hundred and sixty-eight, the same being interest now due from the State on the school fund ; *Provided*, That a sum not exceeding forty-five thousand four hundred and eleven dollars and forty-six cents (\$45,411 46), of this amount be applied to the payment of teachers who rendered service in the public schools of this State from the first day of December,

eighteen hundred and sixty-seven to the thirtieth day of June, eighteen hundred and sixty-eight.

Approved, February 23, 1870.

No. 163.]

AN ACT

Making an appropriation to pay teachers who taught schools during the scholastic years of eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Be it enacted by the General Assembly of Alabama, That the sum of two hundred and eight thousand six hundred and seventy-nine dollars and thirty-eight cents, ^{Appropriation for '66 and '67.} be and the same is hereby set apart and appropriated out of any money in the treasury not otherwise appropriated, to pay the amounts due as per apportionments to the various counties in the State for schools taught during the scholastic years of eighteen hundred and sixty-six and eighteen hundred and sixty-seven; *Provided,* ^{Proviso.} That no money shall be paid under the provisions of this act in excess of the balance due and unpaid each county as per apportionment made in said years; *Provided* ^{2d proviso.} *further,* That said sums shall be disbursed in accordance with the law under which the said amounts were apportioned at the time of apportionment.

SEC. 2. *Be it further enacted,* That the provisions of the foregoing act shall be so construed as to include all ^{Construction of act.} teachers who have taught a free public school, and have claims against the State, without distinction on account of race or color.

Approved, February 23, 1870.

No. 164.]

AN ACT

To confer additional powers upon the Jacksonville, Gadsden and Guntersville Railroad Company.

Be it enacted by the General Assembly of Alabama, ^{May extend its line of road} That the Jacksonville, Gadsden and Guntersville Railroad Company, a body corporate, legally organized in

May connect.

this State, be fully authorized and empowered to extend its line of road at both or either end, so as to connect with any railroad company chartered or organized, or which may hereafter be chartered or organized, in or out of the State of Alabama, on such terms as are usual, and may be agreed upon by the parties.

May consolidate.

SEC. 2. *Be it further enacted*, That the said Jacksonville, Gadsden and Guntersville Railroad Company be fully authorized to consolidate and unite with any railroad company, chartered or organized, or which may be hereafter chartered or organized, in or out of the State of Alabama, on such terms as the contracting parties may agree upon.

Approved, February 24, 1870.

No. 165.]

AN ACT

To establish a criminal court for the county of Dallas.

Criminal courts established.

Be it enacted by the General Assembly of Alabama, That there be and is hereby established in the city of Selma, an inferior court of record for the county of Dallas, to be called "The Criminal Court of Dallas county," to consist of one judge, who shall reside in said city or within five miles thereof, to be elected at the same time, take the same oath, hold his office for the same term, and be removable for the same causes and in the same manner as judges of the circuit courts of this State.

Judge of same

Jurisdiction.

SEC. 2. *Be it further enacted*, That said court shall have concurrent jurisdiction with the circuit courts in the administration of criminal law in said county of Dallas, and concurrent jurisdiction within said county of all misdemeanors committed after the organization of said court by the election and qualification of its officers within said county, not liable before a justice of the peace, and not within the jurisdiction of the corporate authorities of the city of Selma. And in order to confer upon said court similar powers for the exercise of jurisdiction within the county of Dallas, as is or may be conferred upon the circuit court and county court in like cases, that all laws conferring jurisdiction in criminal proceedings upon the circuit court, or upon the county court, giving them

Laws applicable to this court.

power to hear and determine such cases, and all laws providing for punishing contempts, the regulation of practice, and forms of process allowing fees to the officers of court, and providing for the collection thereof, and providing for the taking of official bonds, and requiring official oaths, shall be held to extend to and apply to said court and its officers. The judge of said court shall be a conservator of the peace in said county of Dallas, and as such, and in the exercise of the jurisdiction hereby conferred shall, in term time and in vacation, have, enjoy and exercise all the rights and powers of a judge of the circuit court in criminal matters; and the same authority in civil proceedings as is granted to judges of the circuit court by section 747 of the Revised Code of Alabama, is hereby conferred upon the judge of said criminal court.

Powers of judge.

SEC. 3. *Be it further enacted*, That there shall be elected by the qualified voters of Dallas county, on the fourth Tuesday of March, A. D. 1870, a judge and clerk of said court, who shall hold their respective offices until the next general election of judges and clerks of the circuit court, and until their successors are elected and qualified; and the judge so elected shall receive for his salary the sum of three thousand dollars per annum, to be paid quarterly out of the county treasury, and out of any fund not otherwise appropriated. And the said clerk shall take the same oath of office, give the same bond, be removable for the same causes, and in the same manner as clerks of the circuit courts are respectively; the bond of the clerk to be approved by the judge of said criminal court; and in case of vacancy, it may be filled by appointment by the judge for remainder of the term.

Judge and clerk to be elected.

Salary of judge.

Clerk to take oath and give bond.

Vacancy, how filled.

SEC. 4. *Be it further enacted*, That there shall be held at the court-house in said Dallas county, a term of said court on the fourth Monday in each month, for the trial of all such misdemeanors as may by law be tried without a jury; and three regular terms annually for the trial of criminal offences generally; one to be holden on the first Monday in March, one on the first Monday in July, and one on the first Monday in December in each year, and the term may continue until the business is disposed of, unless sooner adjourned by order of the court.

Terms of court.

SEC. 5. *Be it further enacted*, That the provisions of

Provisions of
Code applica-
ble to this
court.

sections 751, 752, 753, 754, 759 and 760 of the Revised Code of Alabama, so far as they relate to criminal proceedings, and are applicable, are hereby declared to be of force as to said criminal court of Dallas county.

Solicitor, his
duties.

SEC. 6. *Be it further enacted*, That the county solicitor of Dallas county shall be the solicitor of said court, and perform the same duties therein as are now required of him by law in the circuit and county courts, and receive for services therein the same fees as are allowed to him by law for similar services in the circuit and county court of said county; *Provided*, That the judge of said court may appoint a solicitor *pro tem.*, when for any cause the solicitor of said court may be disqualified or fail to attend at said court.

Provisions
applicable.

SEC. 7. *Be it further enacted*, That all the provisions of article three, chapter four, title nine, part one, of the Revised Code of Alabama, with such modifications as make them applicable, and except such as relate to civil proceedings and the approval of the bond of the clerk, are declared to be applicable to said criminal court.

Sheriff, his
duties.

SEC. 8. *Be it further enacted*, That the sheriff of Dallas county shall attend the sittings of said court either in person or by deputy, and have the same powers and perform the same duties in said court as are now required of him by law in criminal proceedings in the circuit and county court.

Costs and fees

SEC. 9. *Be it further enacted*, That all laws and parts of laws in relation to costs and fees in criminal proceedings in the circuit and county courts shall apply to and be in force in said criminal court in like cases, except as to the provisions of section 4331 of the Revised Code.

Seal; process.

SEC. 10. *Be it further enacted*, That said court shall have a seal, and all process in said court, and all proceedings returnable into the regular triennial terms of said court, shall be governed in all cases by the laws relating to criminal process in and proceedings returnable into the circuit court, the same being made to conform to the style of said criminal court and its terms.

Clerk, his
duties.

SEC. 11. *Be it further enacted*, That the clerk of said court shall attend the monthly terms; and shall keep a separate docket of the cases and minutes of the proceedings of said court at said terms; and the fees allowed by section 4328 of the Revised Code in criminal proceedings in the county court, are hereby allowed in said criminal court, at its monthly sessions, and sections

Fees.

4329 and 4330 are declared to be in force, and to apply to said court, except as hereinbefore provided.

SEC. 12. *Be it further enacted*, That appeals shall lie from prosecutions before justices of the peace in Dallas county to the next regular terms of said criminal court, within five days after judgment or conviction by the justice, upon the defendant entering into bond as is now required by law on appeals in similar cases to the circuit and county court, and on such appeals, the provisions of section 4030 of the Revised Code shall apply to the proceedings in such cases in said criminal court. Appellate jurisdiction.

SEC. 13. *Be it further enacted*, That there shall be drawn and empaneled for each of the triennial terms of said court, grand and petit juries, as now provided by law, to be drawn and empaneled for the circuit court; and the said court shall have the same power in summoning talesmen, discharging jurors or ordering special juries, as the courts now have; and all the provisions of article one, article two, article three, article four, article five, and article six, of chapter eight and chapters nine and ten of title three, part four of the Revised Code, and such other general laws of the State as relate to the exercise of criminal jurisdiction, with such modifications as to adapt them to the styles and terms of this court, are hereby declared to be of force, and applicable to said criminal court, and that the criminal laws and modes of criminal procedure, and of taking testimony now in force or which may hereafter be enacted, shall be so far as they are applicable, held to be in force and applicable to said criminal court, in the exercise of its general criminal jurisdiction. Grand and petit jurors.

Powers of court.

SEC. 14. *Be it further enacted*, That the provisions of chapter seven, title three, part four of the Revised Code, with such modifications of form as shall make them applicable and consistent with this act, shall be in force and apply to the said criminal court, sitting or exercising jurisdiction for the trial of misdemeanors; the clerk of said court to perform all such clerical duties as are by said chapter devolved upon the county judge. Provisions of Code applicable.

SEC. 15. *Be it further enacted*, That the supreme court shall have appellate and supervisory jurisdiction over said criminal court, and an appeal shall lie from the decisions of said court to the supreme court in all cases provided by law for appeals to the supreme court in criminal proceedings, and an appeal shall lie from the Supreme court to have appellate jurisdiction.

Appeals.

decisions of said court, sitting as a monthly court to the circuit court, or to the next regular term of said criminal court, sitting for general criminal business, at which term the defendant shall be entitled to a jury trial; said appeals to be taken within the same time and in the same manner as is now by law provided for in the case of appeals from the county court to the circuit court in cases of misdemeanors.

Laws applicable to criminal court.

SEC. 16. *Be it further enacted*, That all laws of a general nature hereafter enacted, conferring upon or extending or limiting the jurisdiction of the circuit courts of this State, shall be held to apply and extend to the said criminal court of Dallas county.

Conflicting laws repealed.

SEC. 17. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, February 23, 1870.

No. 166.]

AN ACT

To prescribe the time for holding the chancery court in the fourth district of the southern chancery division of the State.

Terms of court in 4th district.

Be it enacted by the General Assembly of Alabama, That the chancery court for the fourth district of the southern chancery division of this State, shall be held on the first Monday in June and December, and at each term may continue two weeks.

Conflicting acts repealed.

SEC. 2. *Be it further enacted*, That all laws in conflict with this act, be and they are repealed, in so far as they do conflict with this act.

Approved, February 25, 1870.

No. 167.]

AN. ACT

To authorize the Governor of the State of Alabama to endorse, on the part of the State, the first mortgage bonds of the Mobile and Montgomery Railroad Company.

Be it enacted by the General Assembly of Alabama, That it shall be the duty of the Governor of the State of Alabama, and he is hereby required, upon application of the Mobile and Montgomery Railroad Company, to endorse, on the part of the State of Alabama, the first mortgage bonds of the said railroad company, for the sum of two million five hundred thousand dollars, which said bonds shall be made payable at such places as the said railroad company may deem advisable, have not more than thirty years to run, and bear interest at not more than eight per cent. per annum, payable semi-annually; which said endorsement by the State of Alabama shall be made upon the following terms and conditions:

Governor to endorse \$2,500,000 bonds.

When to mature and bear interest.

First. The Governor shall endorse the said bonds for the sum of one million five hundred thousand dollars, with which bonds, or the proceeds thereof, the said Mobile and Montgomery railroad company shall first pay off; satisfy and discharge, all the existing liens on the said railroad, outfit and equipment, so that the State of Alabama shall have a first and only lien on the said railroad, outfit and equipment; and after satisfying and discharging all the existing liens on the said railroad, outfit and equipment, then the residue of the said one million five hundred thousand dollars of bonds, or the proceeds thereof, shall be applied to the repairs, outfit and equipment of their railroad from Montgomery to Tensas.

First installment of \$1,500,000.

Proceeds, how disposed of.

Second. Whenever the Governor of the State of Alabama is satisfied that all of the existing liens on the said railroad, outfit and equipment have been discharged, and the State of Alabama has a first and only lien on the said railroad, outfit and equipment, and satisfactory evidence is submitted to him that the said Mobile and Montgomery railroad company have let out, to good and responsible parties, the building of their road from its present terminus at Tensas to the city of Mobile, the Governor is hereby authorized and required to endorse, on the part of the State of Alabama, the other

Second installment of \$1,000,000, when to be signed.

Proviso ; bond
of company re-
quired.

one million of dollars of the first mortgage bonds of the said railroad company ; *Provided*, That before endorsing the bonds of the said company, the president and directors shall cause to be executed and delivered to the Governor the bond of the company, conditioned to faithfully apply the said first mortgage bonds, or the proceeds thereof, in accordance with the provisions of this act ; and that the extension of said railroad into the city of Mobile shall be completed by July 1st, 1872.

Conditions of
granting aid.

SEC. 2. *Be it further enacted*, That the aid granted in the foregoing section of this act shall be accepted upon the following conditions: That the said Mobile and Montgomery railroad company, shall, from and after five years from the date of the bonds provided to be issued in the foregoing section, set aside as a sinking fund one per cent. of the amount of said bonds, which said amount shall be so set aside every year, until the tenth year, when two per cent. shall be set aside, until the fifteenth year, then three per cent. shall be set aside until the twentieth year, and after the twentieth year, four per cent. shall be provided and set aside each year until the maturity of the debt; which said sinking fund may be applied by the said railroad company regularly as it is set aside, to the purchase of their bonds endorsed by the State of Alabama, under the foregoing provisions of this act, which said bonds shall be presented to the Auditor of the State, and by him cancelled and returned to the said company ; and such presentation and cancellation of said bonds, to the amount required each year, shall be full compliance with the provisions of the foregoing section of this act.

Sinking fund.

Application
of sink'g fund.

In case of
failure on part
of company.

SEC. 3. *Be it further enacted*, That if the said Mobile and Montgomery railroad company shall fail to complete their road into the city of Mobile by the first day of July, 1872, or if the said railroad company shall fail to pay the interest upon any of said endorsed bonds when due, and such default continuing for ninety days, then, and in that or either of these events, the Governor may proceed to foreclose the mortgage and sell out the railroad and property mortgaged to the State.

Trustee to be
appointed; his
duties.

SEC. 4. *Be it further enacted*, That to protect the interest of the State, the Governor is hereby authorized and required to appoint a trustee, who shall be charged with the duty of exchanging the bonds now outstanding of the said railroad company, for the bonds author-

ized under this act, and endorsed by the State; and whenever said trustee shall furnish satisfactory evidence to the Governor, that contracts have been made for the exchange and cancellation of any outstanding bonds of said company with the holders thereof, then the Governor shall deliver to the said trustee an equal amount of the bonds authorized under this act, and endorsed by the State; and when all such outstanding bonds and obligations, that are a lien, have been exchanged, taken up and cancelled, within the sum of one hundred thousand dollars, the Governor shall deliver to the said railroad company the residue of the one million five hundred thousand dollars of bonds, and the president and directors shall execute to the State of Alabama a good and satisfactory bond, with security, to the Governor, conditioned to hold one hundred thousand dollars of the State endorsed bonds to take up and redeem the outstanding one hundred thousand dollars of the said company's bonds.

Must furnish evidence to Governor of contracts.

SEC. 5. *Be it further enacted*, That the salary and expenses of the said trustee, while engaged in the duties above set forth, shall be paid by the said Mobile and Montgomery railroad company; *And provided further*, That the said trustee shall give to the Governor of the State a bond, with satisfactory personal security, for the sum of one hundred thousand dollars, conditioned to faithfully discharge the trust reposed in him under the provisions of this act.

Salary of trustee to be paid by company.

Trustee to give bond.

SEC. 6. *Be it further enacted*, That before the provisions of this act, or the benefits above proposed, shall have the force and effect of law, it shall be required of and is hereby made the duty of the president, superintendent and managers of the Mobile & Montgomery Railroad to present, under oath, to the Governor, a full and complete account, with vouchers, of the entire mortgage indebtedness and judgment liens of said road, with a full statement of the facts of indebtedness, together with the names of the parties, persons or companies to whom the road is indebted, and in case one million dollars do not cover the mortgage indebtedness and judgment liens of said road or railroad company, or the parties interested, or who claim to hold or own the road, as the case may be, then the said persons or parties shall not claim the advantages which this act provides, and said act shall remain null and void; *And provided further*, That if the advantages or benefits of this act are claimed by the

Officers of company to make statement of indebtedness under oath.

In case of incorrect statement.

Penalty.

party or persons as above made and provided for, and it shall afterwards appear that the amount of mortgage indebtedness and judgment liens of said road, or persons owning or claiming to own said road, was greater than the amount sworn to as above named, then it shall be the duty of the Governor to prevent a further allowance of appropriations as this act provides, and the parties or persons who have made false statements shall be liable to indictment and fine and imprisonment in the State prison, not less than ten nor more than twenty years, at the discretion of the court trying the cause, for having obtained or attempting to obtain State aid or money under fraudulent or false pretences.

Character of road.

SEC. 7. *Be it further enacted*, That the road to be constructed between Tensas and Mobile shall be built and equipped in a thorough and first-class manner, and the rails used in the repairs of the road now built shall be of the same weight and character authorized to be used on roads constructed under the general State aid law of the State.

Conditions.

Charges for freight and passage.

SEC. 8. *Be it further enacted*, That the endorsement of the bonds of the Mobile & Montgomery Railroad Company, as herein provided for, is conditioned, that on and after the time fixed for the completion of the said railroad from Tensas to Mobile, the said Mobile & Montgomery Railroad Company shall transport passengers and freight at the same rates as provided for other roads in the general bill, passed at the present session, to furnish the aid and credit of the State to expedite the construction of railroads.

No discrimination.

SEC. 9. *Be it further enacted*, That it is hereby expressly provided and made a condition in this act, that there shall be no discrimination in the charges for the transportation of freight or passengers in favor of or against any other railroad connected, or to be connected, with said railroad; but the rates of all charges for transportation of produce, merchandise and passengers, to or from any other railroad, shall be the same as the rates of charges on the said Mobile & Montgomery Railroad, to be prorated per mile, and shall receive and transport, at the same rates, cars of other railroads loaded with coal or other minerals destined for Mobile city or bay, and return the same.

SEC. 10. *Be it further enacted*, That as the chief object and intention of this act is to secure the extension and

completion of the Mobile & Montgomery Railroad from Tensas into the city of Mobile, it shall be the duty of the Governor of the State, and he is hereby required, before any part of the bonds provided for under this act shall be endorsed or issued to the said Mobile & Montgomery Railroad Company, to exact a bond from the said railroad company, with good and satisfactory security, for the sum of two hundred thousand dollars, conditioned to accept and apply the one million dollars of bonds provided under this act for the extension of the said railroad into the city of Mobile.

Company to give bond for completion of road.

SEC. 11. *Be it further enacted*, That the said railroad company shall not, in the transportation of passengers, discriminate against any of the citizens of the State in respect to the benefits and privileges of the said road.

No discrimination.

SEC. 12. *Be it further enacted*, That the aid granted by this act is conditioned that the Mobile & Montgomery Railroad Company shall give preference, the terms being equal, to manufacturers living in the State of Alabama, in all contracts for cross ties, rails, spikes, chairs, fastenings, locomotives, cars and other materials and equipment.

Preference for work supplies, &c., to be given people of Alabama

SEC. 13. *Be it further enacted*, That the bonds used under authority of this act shall be signed by the Auditor and State Treasurer, and a record of the same kept in the Auditor's office.

Bonds, how signed.

Approved, February 25, 1870.

No. 168.]

AN ACT

To relieve George N. Calhoun, of Madison county, from the disabilities of minority.

Be it enacted by the General Assembly of Alabama, That George N. Calhoun, of Madison county, Alabama, be and the same is hereby relieved of the disabilities of minority, and is authorized to sue and be sued, to plead and be impleaded, to purchase and convey real estate, and to transact all other business as though he was of full age, except the right to vote.

Disabilities of non-age removed.

Approved, February 25, 1870.

No. 169.]

AN ACT

To amend an act approved the 5th of August, 1868, fixing the time of holding the courts in the second judicial circuit.

Act recited.

Be it enacted by the General Assembly of Alabama, That an act approved the 5th of August, 1868, entitled "An act to fix the time of holding courts in the second judicial circuit," which reads as follows, to-wit: "Be it enacted by the General Assembly of Alabama, That the time for holding the circuit courts in the second judicial circuit shall be as follows: That is to say, in the county of Autauga on the first Mondays in April and October, and may continue one week; in the county of Elmore, on the second Mondays of April and October, and may continue two weeks; in the county of Lowndes on the first Mondays in May and November, and may continue three weeks; in the county of Montgomery on the second Mondays of June and January, and may continue until the business is disposed of."

Amendment.

Autauga to hold 2 weeks.

"SEC. 2. *Be it further enacted,* That all process heretofore made returnable at terms other than specified in this act, shall be made returnable at the times herein specified," be amended by striking out the words "one week," where they occur in the fourth line of the first section of said act, and inserting in lieu thereof the words "two weeks;" by striking out the word "second" where it occurs in the fifth line of said section, and inserting in lieu thereof the word "third."

Approved, February 25, 1870.

No. 170.]

AN ACT

To amend section 844 of the Revised Code of Alabama.

Sec. recited.

Be it enacted by the General Assembly of Alabama, That section 844 of the Revised Code of Alabama, which reads as follows: "Justices of the peace vacate their offices by removing from their election precincts, and are liable to a penalty of forty dollars for acting as justice after such removal, to be recovered before any justice of the county in which such justice resides, by any

one suing for the same, one-half to the use of the person suing for same, and the other half to the use of the State," be amended, so as to allow the justices of the peace, whose beats comprise the city of Montgomery, to live in any part of the city; *Provided*, That said justice of the peace shall keep their offices in the beat for which they are elected. Amendment.

Approved, February 25, 1870.

No. 171.]

AN ACT

To make Mrs. N. A. Felts, wife of William H. Felts, and Mrs. Mary A. Carlisle, wife of Jasper C. Carlisle, all of the county of Choctaw; Mrs. Martha F. Brantley, wife of Warren A. Brantley, of Dallas county, and Mrs. Mary Griffin, wife of Lewis Griffin, of St. Clair county, Alabama, free-dealers.

Be it enacted by the General Assembly of Alabama, That Mrs. N. A. Felts, wife of William H. Felts, and Mrs. Mary A. Carlisle, wife of Jasper C. Carlisle, of the county of Choctaw; Mrs. Martha F. Brantley, wife of Warren A. Brantley, of Dallas county, and Mrs. Mary Griffin, wife of Lewis Griffin, of St. Clair county, Alabama, be, and they are made free-dealers, and they are hereby empowered to contract and enter into engagements and agreements, and are also authorized to sue and be sued, and are made liable to be sued in the same manner as though they were *femme soles*. Free dealers.

Approved, February 25, 1870.

No. 172.]

AN ACT

To provide payment for chandeliers and light for the State Capitol.

Be it enacted by the General Assembly of Alabama, That an appropriation is hereby made to pay for chandeliers and light in the State Capitol; *Provided*, That such payment shall only be made upon a stated account, certified by the Secretary of State, and approved by the Appropriations for chandeliers, &c.

Certificate of
Sec'y of State.

Governor ; and upon any account thus certified and approved, the Auditor shall draw his warrant, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 24, 1870.

No. 173.]

AN ACT

To allow Wash. G. Cain, administrator of the estate of Lovic P. Butler, deceased, of Alabama, to sell real estate.

Be it enacted by the General Assembly of Alabama,
That Wash. G. Cain, administrator of Lovic P. Butler, deceased, be, and he is hereby authorized and empowered to sell the real estate belonging to said estate, at private or public sale, in parcels to suit purchasers, as may be deemed best for the interest of said estate.

May sell at
private sale.

Approved, February 25, 1870.

No. 174.]

AN ACT

For the relief of Fred Kelly and Jane Kelly, alias Jane Lawson, of Barbour county.

Be it enacted by the General Assembly of Alabama,
That the marriage of Fred Kelly and Jane Lawson, is hereby legalized, and that each of them are hereby relieved from any penalty incurred by, or resulting from said marriage, any law to the contrary notwithstanding.

Marriage legalized.

Approved, February 25, 1870.

No. 175.]

AN ACT

For the relief of Jerome C. Thompson, of Choctaw county, Alabama.

Be it enacted by the General Assembly of Alabama,
That Jerome C. Thompson be, and he is hereby author-

ized and empowered to take charge of the estate of his brother, Rufus K. Thompson, (a *non compos mentis*;) as his guardian, without being required by the probate court of Choctaw county to give bond and security as such guardian; *Provided, however*, That the said guardian shall make all his settlements, reports and returns, as now required by law; *And provided further*, That the probate court of said county may require a bond to be given, when satisfied that the estate of the said Rufus K. Thompson is being wasted or mismanaged; *Provided*, That said guardian shall be required to give security to an amount equal to a fair maintenance for said ward.

May take charge of brother's estate.

Must make settlements.

Probate judge may require bond.

SEC. 2. *Be it further enacted*, That all laws contravening the provisions of this act be, and the same are hereby repealed.

Conflicting acts repealed.

Approved, February 25, 1870.

No. 176.]

AN ACT

To authorize the administrators to sell at private sale the real estate belonging to the estate of William M. Burgess, late of Pike county, deceased.

Be it enacted by the General Assembly of Alabama, That Sarah Burgess and Squire Burgess, administrators of the estate of William M. Burgess, deceased, late of Pike county, be, and they are hereby authorized and empowered to sell the real estate of William M. Burgess, deceased, at private sale, and convey the legal title to the purchaser; *Provided*, That said administrators shall first have given thirty days' notice in a public manner that said estate is for sale.

May sell real estate at private sale.

Must give 30 days' notice.

SEC. 2. *Be it further enacted*, That said administrators shall be allowed to make sale of said real property upon such terms as they may deem for the best interest of the parties concerned; *Provided*, That said administrators shall report their actions and proceedings to the judge of the probate court for his approval, as now required by law in sales by administrators.

Must report to the probate judge.

Approved, February 25, 1870.

No. 177.]

AN ACT

For the relief of John C. Phares, of Sumter county,
from the disabilities of minority.

Disabilities
of non-age re-
moved.

Be it enacted by the General Assembly of Alabama,
That John C. Phares, of the county of Sumter, in the
State of Alabama, who is under the age of twenty-one
years, be, and he is hereby declared to be a legalized
dealer, (his incapacity as a minor being hereby removed,)
and as such may act for himself in all matters as though
he had fully arrived at the age of twenty-one years,
capable in all respects of contracting and being con-
tracted with, suing and being sued, and he is hereby
fully authorized to receive and receipt for, contract with
reference to, take possession of, control and manage all
property, rights or moneys, or distributive shares or in-
terest which he is entitled to or may hereafter be en-
titled to receive from the estate of his father, now de-
ceased, and late of said county and State, in as full and
ample manner as if he was twenty-one years of age.

Approved, February 25, 1870.

No. 178.]

AN ACT

To authorize and empower executors and administrators
in the State of Alabama to sell stock in the Selma
and Meridian Railroad Company at private sale.

Executors
and adm'rs
may sell cer-
tain stock at
private sale.

Be it enacted by the General Assembly of Alabama,
That executors and administrators in said State be, and
they are hereby authorized and empowered to sell for
cash at private sale one-half of the shares of stock in
the Selma and Meridian Railroad Company, belonging
to and being a part of the estate represented by such
executors or administrators in this State respectively.

Must report
to the probate
judge.

SEC. 2. *Be it further enacted,* That such executor or
administrator shall report the same within thirty days
thereafter to the judge of probate court having juris-
diction of such estate.

Approved, February 25, 1870.

No. 179.]

AN ACT

To make Lucy H. Dreyspring, of Montgomery county,
Alabama, a free dealer.

Be it enacted by the General Assembly of Alabama,
That Lucy H. Dreyspring, of Montgomery county, Ala- Free dealer.
bama, wife of Adolph Dreyspring, be, and she is hereby
made a free dealer, and is empowered to make all kinds
of contracts and agreements, to buy, sell, mortgage and
change any kind of property as though she were un-
married, and she is authorized to sue and is liable to be
sued in the same manner as if she were a *femme sole*.

Approved, February 25, 1870.

No. 180.]

AN ACT

To repeal an act entitled "An act to regulate the fees
of justices of the peace and constables in Demopolis
beat, in Marengo county, Alabama, and the times of
holding courts of justices of the peace in said beat,
and the mode of issuing and serving process there-
from," approved February 20th, 1866.

Be it enacted by the General Assembly of Alabama,
That an act entitled "An act to regulate the fees of Act repealed.
justices of the peace and constables in Demopolis beat,
in Marengo county, Alabama, and the times of holding
courts of justices of the peace in said beat, and the
mode of issuing and serving process therefrom," ap-
proved February 20th, 1866, be and the same is hereby
repealed.

SEC. 2. *Be it further enacted,* That this act shall take When to take
effect.
effect from and after its passage.

No. 181.]

AN ACT

To change the boundary line between the counties of
Marshall and Blount.

Be it enacted by the General Assembly of Alabama,

Boundaries
changed.

That from and after the passage of this act, the boundary line between the counties of Marshall and Blount, shall be so changed as to give all of section thirty-one (31), township eight (8), of range one (1), east, to the county of Blount, any law to the contrary, notwithstanding.

Approved, February 25, 1870.

No. 182.]

AN ACT

Concerning the estate of William H. Smith, deceased.

Be it enacted by the General Assembly of Alabama, That the administration of the estate of William H. Smith, deceased, late of Lee county, in this State, be made and conducted before the probate judge of Montgomery county.

Approved, February 28, 1870.

No. 183.]

AN ACT

To establish a new charter for the city of Eufaula.

Corporation;
of whom to
consist.

Powers.

Be it enacted by the General Assembly of Alabama, That the corporation of the city of Eufaula shall hereafter consist of a mayor and board of aldermen, and said corporation shall be known and styled "The City of Eufaula," and by that corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said city, and may have and use a city seal, which may be changed at pleasure.

Corporate
limits.

SEC. 2. *Be it further enacted,* That the corporate limits and boundaries of the city of Eufaula shall be and are hereby designated and established as follows: Beginning at the point where the Chewalla creek empties into the Chattahoochee river, thence south along said river to the half section line of section four (4), township ten (10), range twenty-nine (29); thence west through sec-

tions four (4) and five (5), to the east line of section six (6), in said township and range; thence north along the east line of section six (6) to the north-west corner of section five (5); thence north along the east line of section thirty-one (31), township eleven (11), and range twenty-nine (29), to the north-east corner of said section; thence east along the north line of section thirty-two (32), to a point where it intersects the first branch; thence down said branch to the Chewalla creek, thence along the south side of said creek to the point of beginning.

SEC. 3. *Be it further enacted*, That the city of Eufaula shall be divided into four wards, and each ward ^{Wards.} shall be entitled to two aldermen, who shall reside in their respective wards. Ward No. 1 shall embrace all that part of the city in the north-east angle of Broad and Randolph streets. Ward No. 2, all that part in the south-east angle of Broad and Randolph streets. Ward No. 3, all that part in the south-west angle of Broad and Randolph streets. Ward No. 4, all that part in the north-west angle of Broad and Randolph streets.

SEC. 4. *Be it further enacted*, That the government of said city shall be styled "The City Council of Eufaula," ^{Government.} and shall consist of a mayor and eight aldermen, to be elected as hereinafter directed.

SEC. 5. *Be it further enacted*, That the mayor, aldermen, marshal and clerk shall be elected by ballot by the ^{Officers to be elected.} qualified voters of the city, and that all male inhabitants of the city twenty-one years of age, who are citizens of the United States, or have legally declared their intention to become so, and resided in this State six months, ^{Qualification of electors.} and in the city three months immediately preceding the election, shall be held qualified voters; *Provided*, That no insane person, or person convicted of felony, shall vote at any city election.

SEC. 6. *Be it further enacted*, That no one shall be eligible to the office of alderman, marshal, clerk or treasurer, or to any office of the city who, in addition to being a qualified voter as herein prescribed, shall not ^{Qualification for office.} have resided in the city twelve months immediately preceding the election; and no one shall be eligible to the office of mayor who does not reside within the corporate limits of the city, and who has not been a resident of the same for five consecutive years.

SEC. 7. *Be it further enacted*, That the election of city

Annual elec- officers shall be held annually on the last Monday in
tion. February, and the city officers so elected shall hold their
offices until their successors are duly elected and quali-
fied. In case of vacancy in any city office from any
cause, the council shall forthwith fill such vacancy. The
Vacancies, aldermen shall judge of the election and qualification of
how filled. the mayor, and of the election and qualification of each
alderman.

SEC. 8. *Be it further enacted,* That the council shall
Election pre- designate an election precinct in each ward, and shall
cincts. appoint not less than three managers of the election for
each precinct, who shall be legal voters of the city.
The council shall prescribe the manner in which all
Elections, how elections shall be held; shall ascertain and declare who
managed. are duly elected; and the persons having the highest
number of votes for the offices of mayor, clerk and
marshal, shall be declared elected; and the two persons
in each ward who shall receive the highest number of
votes for aldermen, shall be declared elected aldermen
for their respective wards. In case of a tie between
In case of tie. any two or more candidates for the same office, the coun-
cil shall elect between such candidates and decide who
shall fill the office in question; and if no two persons
in any ward shall have a higher number of votes than
any other person, the council shall determine which two
shall be aldermen for that ward, the one receiving the
highest number of votes always being one.

SEC. 9. *Be it further enacted,* That the officers of the
Other officers. city, not herein directed to be elected by the people,
shall be elected by the council.

SEC. 10. *Be it further enacted,* That for mal-practices,
Council may incapacity, intemperance or gross negligence on the
remove offi- part of any person holding the office of clerk, marshal, or
cers in certain other city office, the city council shall have power to re-
cases. move such person from office. All city officers, before
entering on their duties, shall take and subscribe an oath
faithfully to discharge the duties of their respective offi-
ces to the best of their skill and ability, which oaths
shall be filed in the city archives; the marshal and his
deputies, clerk and his deputies, and treasurer shall,
Oath of office. also, before entering upon the duties of their offices,
execute bonds, payable to the city in such amounts and
with such sureties as the council may require; the
council may at any time, for good cause, require of any

officer a new bond, in a larger amount, with other sureties. Bonds.

SEC. 11. *Be it further enacted*, That the council shall have power to appoint a deputy clerk and deputy marshal, when deemed necessary, who shall receive such compensation as may be allowed them. Deputies.

SEC. 12. *Be it further enacted*. That should the election for city officers not take place on the day fixed by this act, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are duly elected and qualified; and it shall be the duty of the council to appoint some other day as early as practicable, and to give public notice thereof, on which the election shall be held. In case election is not held
New election.

SEC. 13. *Be it further enacted*, That the male inhabitants of the city shall be exempt from road and patrol duty in the county, but the streets and highways of the city shall be kept in order by the council; and for this purpose a special tax of three dollars may be levied on every male citizen between eighteen and forty-five years of age; *Provided*, That the person so taxed may discharge the same by work on the streets under the control and direction of the marshal, for such number of days, not exceeding six, as the council may prescribe. Exempt from road duty, &c.
Special tax.
Proviso.

SEC. 14. *Be it further enacted*, That the mayor shall preside and keep order at all meetings of the council; take a general superintendence of the affairs of the city; see that the laws of the corporation are duly executed, and that all other officers and agents thereof perform their duties; he may call extra meetings of the council whenever he deems it necessary; shall report to the council any negligence, incapacity or misconduct of any officer or agent of the corporation; from time to time suggest to the council such alterations in the laws or changes in the government of the city as he may deem necessary and proper; he shall hold a court as often as may be necessary for the speedy trial of all offenses against the city laws and ordinances, and perform all other duties legally required of him by law; he is empowered, while holding his court, to fine or imprison, or both, for disturbance or contempt, provided, the imprisonment does not exceed twenty-four hours, and the fine the sum of twenty-four dollars, for any one act of disturbance or contempt; he shall receive such salary and fees as the council may prescribe. Duties of mayor.
Powers of magistrate.
Salary.

SEC. 15. *Be it further enacted*, That the council shall elect one of their number to be mayor *pro tem.*, who shall act in the stead and perform the duties required of the mayor during his absence, inability or incapacity to act; and during the time such mayor *pro tem.* may act, he shall be entitled to receive the salary and fees attaching to the office.

SEC. 16. *Be it further enacted*, That any two aldermen may call special meetings of the council, and the mayor, with four aldermen, or five aldermen without the mayor, shall constitute a quorum for business.

SEC. 17. *Be it further enacted*, That the council shall, between the first day of March and of May in each year, cause an assessment of taxes to be made by the clerk or his deputy, to whom it shall be the duty of all persons liable to taxation within said city, to report and declare, under oath or affirmation, the amount of their taxable property, giving each item thereof; also, to state what business or occupation they are engaged or interested in, together with the full value of all personal property owned by them on the first day of March of such year.

Any one who fails or refuses to make the report or return as herein directed, or who shall place an unfair valuation on his or her property, shall be reported by the clerk to the council, who shall value such property fairly, and assess it accordingly. It shall also be the duty of the clerk to assess all property whose owner is unknown.

The council shall also appoint two experienced resident freeholders in the city, who, together with the clerk, shall constitute a board of assessors, any two of whom may act. It shall be the duty of said board annually, between the first days of March and May, to examine in person all the real estate within the corporate limits of the city, and assess the cash value thereof on the first day of March in said year, and shall return said assessment, together with the names of the owners of the property assessed, as soon as practicable thereafter.

The assessors shall, before beginning the assessment, take and subscribe, before the mayor, an oath to discharge the duties of assessors faithfully, impartially, and to the best of their ability, and to make a true and correct return thereof. They shall receive for their services

such compensation as the council may allow. When the assessments are completed, the council shall give at least ten days' public notice that the assessments of the

current year are closed, and appoint a time to hear and determine all complaints, and to correct all errors and inequalities, and to supply all omissions and deficiencies that may appear in said assessments; and when the same are passed by the council, they shall have the force and effect of judgments at law, and executions may issue thereon; but before the sale of any property for taxes, the tax collector shall, after levy, give ten days' notice in the case of personal property, and thirty days' notice in case of real estate, by publication in one or more city newspapers of the amount of taxes due on such property, and if not paid, shall proceed to sell the same, or sufficient thereof to pay said taxes, together with all lawful costs and charges, and one dollar to the tax collector for making the levy and sale.

Notice of assessment.

Notice of sale.

Sale.

SEC. 18. *Be it further enacted*, That no property shall be exempt from levy and sale for the taxes due and owing by the owner thereof; *Provided*, That no real estate shall be sold for taxes, if sufficient personal property can be found, out of which to make the same, together with all lawful costs and charges.

No property exempt.

SEC. 19. *Be it further enacted*, That if any municipal election shall be contested, it shall be contested before the judge of the circuit court of Barbour county, or before the judge of the city court of Eufaula; and testimony may be taken by any one appointed for the purpose, by the judge before whom the contest is pending; or witnesses may be subpoenaed and required to depose in person before the said judge; which contest may be heard and determined by him either in vacation or term time.

In case of contested election

SEC. 20. *Be it further enacted*, That the ballots at the several polls or precincts in the city, in city elections, shall be carefully sealed up by the inspectors after being counted, and shall be marked so as to designate what ballots are in the box or package; and the said inspectors shall not allow the same to be examined by any one except themselves and their assistants who hold said election; they shall also return the ballots so sealed up to the city clerk, together with a list of the voters at said election held by them, who shall preserve the same fifteen days; and if there be no contest, said city clerk shall cause the same to be burned, at the expiration of said time, in his presence and that of the mayor; but

Ballots to be sealed up.

in the event of a contest, they shall be delivered to the judge trying the same.

Contestant ;
how to pro-
ceed.
SEC. 21. *Be it further enacted,* That the party contesting shall file his application and give notice of said contest to the judge before whom he wishes said contest tried ; and also to the person or persons whose election is contested, within fifteen days next succeeding such election.

Defendant to
have notice.
SEC. 22. *Be it further enacted,* That the opposite party shall have ten days' notice of the time and place of taking testimony under this act, and also of the time and place of hearing the contest ; and when the testimony on both sides is completed, the judge trying the cause may examine the poll lists and ballots, and pronounce judgment in the case according to the facts.

General pow-
ers of council.
SEC. 23. *Be it further enacted,* That the said city council shall have full power and authority to pass all by-laws and ordinances necessary and proper to regulate the landing of goods within the city limits, from steam-boats and other water crafts ; to declare what are nuisances, and to prevent and remove the same ; to prevent contagious or infectious diseases from being introduced or retained in the city, and by any lawful means to prevent the spread of such diseases, and to preserve the health of the citizens ; to pass and enforce such ordinances as may be effectual to prevent fires, and if necessary to remove or pull down buildings, fences or other structures to prevent or check the spread of fire ; to organize and regulate fire companies ; to bring water into the city, sink wells, make reservoirs, erect and repair pumps and lamps in the streets, and to provide all means necessary to insure the safety of property and the convenience of the citizens ; to establish night watches and patrols ; to license, tax, regulate or restrain in any manner all circuses, shows and theatrical amusements, exhibitions and lectures ; to regulate and restrain the sale of ardent spirits in the city ; to provide for licensing retailers of liquors ; to fix the amount of license, and the same to annul on good and sufficient complaint against any person holding such license ; to prohibit the retailing of liquors in the city, when deemed necessary ; and to close up retail establishments for such time as the peace, good order and general interests of the city may require ; to suppress or prohibit gaming or gaming houses and houses of ill-fame in the city ; to restrain or

prohibit nightly or disorderly assemblies of all persons ; to cause all vagrants, idle, disorderly, dangerous or suspicious persons, all persons of evil life, or ill-fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering about tippling houses or liquor shops, or who have no visible or honest employment or business in the city, all who have no fixed place or residence, or who cannot give a good account of themselves, all who are publicly grossly indecent in language or behavior, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to be dealt with as may be lawful and necessary to preserve the peace, morals, and good order of the community ; to establish hospitals, pest-houses, houses of correction, calaboose, or other public buildings for the use of the city, or to join with the county of Barbour, or the public authorities thereof, in the erection of the same, or to acquire by lease, purchase or otherwise, the use of houses for hospitals, &c.; to levy and collect taxes as prescribed by this act, for defraying the expenses of the city ; to establish and regulate markets, and to fix the assize of bread ; to regulate the sales at auction, and appoint auctioneers for all commercial purposes ; to erect a public scale house with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in case of disagreement between seller and buyer ; to license and regulate wagons, carts, drays, omnibuses, hacks and carriages running from one part of the city to another for hire ; to regulate pawn-brokers in the city ; to restrain or prohibit gambling, racing, cock-fighting or other improper or unlawful amusements in the city ; to erect and repair bridges, and to make all necessary drains and sewers and keep them open ; and to adopt any measures necessary to preserve the streets, alleys, drains, sewers, bridges and other public property of the city ; to fix the fees and salaries of all city officers ; to assess fines not exceeding one hundred dollars, and collect the same by execution against the person or property of the party, or to punish the same by imprisonment or by hard labor for the city, in either case not to exceed thirty days. The said city council shall likewise have full power and authority to open up new streets and alleys, and to extend, widen, close, or otherwise alter existing streets and alleys, under

such by-laws and regulations as they may prescribe ; *Provided*, That fair compensation be first made to the owners of land to be so taken for public use ; they shall be empowered to pass all resolutions, ordinances and by-laws needful to carry into effect the powers and rights conferred by law, if not inconsistent with the laws of this State or of the United States.

May purchase real estate, &c. SEC. 24. *Be it further enacted*, That the council shall have full power and authority to purchase, and provide for the payment of the same, all such real estate and personal property as may be required for the use, convenience and improvement of the city, and shall have full power and authority to construct and erect works for the purpose of furnishing water and lights for the city ; and may sell and dispose of any property deemed advisable to sell.

Further powers. SEC. 25. *Be it further enacted*, That the council shall have full power and authority to prohibit the erection or construction of all kinds of wooden or other buildings or structures which are not fire-proof ; or to tear down and reserve the same within the limits in which such buildings, structures, &c., are prohibited, whenever the safety and protection of the city against fire require it ; and shall prescribe and fix such fines and penalties as may be proper to carry into effect the power conferred in this section, and to collect the same as other fines and penalties.

May remove wood build'gs. SEC. 26. *Be it further enacted*, That whenever the council shall decide that any buildings or other structures within the fire limits of the city ought to be removed, more effectually to protect the city against fire, they shall notify the owner thereof, or his agent or occupant, of such decision, and fix a day for such owner to show cause why the buildings or other structure should not be removed ; and in case the council and the owner of such building or structure cannot agree as to the value thereof, then the same proceedings shall be had to ascertain said value, as for ascertaining the value of real estate taken for public use ; but before any house, building or other structure is removed, the owner shall be paid therefor whatever amount may be found in his favor as damages ; and the payment of such amount, or the tender thereof to the proper party, shall vest the council with the right forthwith to remove the house or building in question.

Proceedings.

SEC. 27. *Be it further enacted*, That the council, in order to determine the existence of any nuisance within the limits of the city, and whether the same should be removed, shall give notice to the owner of the land or premises on which the same is supposed to exist, or to the agent or occupant thereof, or if neither can be found in the city, then by publication of the intention to abate the said nuisance, or by notice to the party causing or permitting such nuisance, of the intention to remove or abate the same; and also fix a time and place, and give reasonable notice to the party or parties interested, to appear and show that no nuisance exists, or why the same should not be abated. The council shall summon a jury of seven citizens to try the question in any given case, as to whether a nuisance exists, and to what extent, and whether the same should be abated; each side shall be entitled to three challengers, and jurors may be challenged for good cause, and to supply the place of any challenged or absent, others may be summoned instantler; the jury thus obtained shall be duly sworn impartially to try, and a true verdict render, and after hearing the evidence shall determine whether there be a nuisance, and whether the same shall be abated; and if they find that there is a nuisance, and that the same should be abated, the council shall abate the nuisance at the cost of the party causing or permitting the same; the proceedings in which case must be recorded by the city clerk.

May abate
nuisances.

SEC. 28. *Be it further enacted*, That in case of inquiry by juries as to removing houses or other structures not fire-proof in the limits within which such houses or structures are prohibited, and as to the existence of nuisances, there shall be allowed to the party the right of appeal to the next term of the circuit court of Barbour county, or the city court of Eufaula, under proper regulations to be prescribed by the council; and the cause, when taken by appeal to either of said courts, shall be tried *de novo*. The council shall, in good faith, and in accordance with the finding of the jury, remove any building or structure, or abate any nuisance as herein provided for; and the said council shall be exempted from all personal liability, and not be held to account, individually or otherwise, for the consequences of removing such buildings or structures, or abating

Right of ap-
peal.

such nuisances; or for damages for or on account thereof.

SEC. 29. *Be it further enacted,* That in proceedings for the removal of wooden houses or buildings, or for the abatement of nuisances, in which the person or persons proper to be notified, cannot be found in the city or county, so as to give personal notice as herein required, then and in such case, the council shall cause notice to be published, for three consecutive weeks, in one or more of the city newspapers; and shall also post notice on or near the premises or nuisance; and after giving personal notice, or notice by publication, the jury shall be fully authorized to proceed; and should no person appear to show cause why the property considered dangerous should not be removed, or the nuisance abated, then the parties interested shall be bound by the proceedings, in the same manner as if they had appeared and contested. In all causes where a jury is authorized to be summoned under the provisions of this charter, their attendance may be enforced by fine, to be imposed under the by-laws, and collected as other fines; and said jurors shall be allowed such compensation for their services as are allowed jurors in trials before justices of the peace. At all such inquests, the mayor shall preside.

Proceedings to remove nuisances.

Notice.

Jury.

SEC. 30. *Be it further enacted,* That full power and authority are hereby given the said council to establish such rules and regulations for the assessment and collection of dues, taxes, licenses and revenues hereby provided for, and to use all lawful process and proceedings which may be requisite to enforce the same; and also to impose such fine and penalty for the violation of any of the provisions of this charter, or of any of the by-laws or ordinances of the city, made in pursuance hereof, as may be requisite and proper, and to collect the same as other fines and penalties; *Provided,* That no tax shall be levied on churches, parsonages, school houses, or charitable enterprises and institutions in the city.

Further powers of council.

SEC. 31. *Be it further enacted,* That the said city council shall have power and authority annually to assess, levy and collect, within its limits, taxes on real and personal property, as follows: On all real estate, a tax not to exceed one per centum on the value thereof; on all pleasure carriages, gigs, chaises, sulkies, and other vehicles of pleasure; all saddle, buggy or carriage

Rates of taxation and license.

horses or mules, a tax not exceeding two per centum of the value thereof; on all carts, drays, wagons or other vehicles used for transportation of goods or anything else, for hire or pay, within the limits of the city, a license tax not exceeding seventy-five dollars; on every retailer of spirituous liquors, a license [not less than one hundred nor more than one thousand dollars; on every barber shop, a license] not less than ten, nor more than fifty dollars; on each daguerrean gallery, or other similar artistic business, and each drawing saloon, a license not less than ten nor more than fifty dollars; on each billiard, pool, bagatelle, or other table kept for playing in public houses, a license not less than one, nor more than three hundred dollars; on itinerant peddlers, except bread and meat wagons, a license not less than fifty nor more than five hundred dollars; on ten-pin alleys, or alleys of any number of pins, for public use, a license not less than fifty, nor more than two hundred dollars; on hotels, a license not less than twenty-five, nor more than one hundred dollars; on restaurants, and public boarding houses, a license not less than ten nor more than fifty dollars; on each pistol gallery, a license not less than twenty-five dollars; on all theaters, minor shows, and exhibitions of every sort, a license not less than ten nor more than one hundred dollars, for each performance or exhibition; on lectures, when admission fees are charged, except for charitable purposes, not more than ten dollars for each lecture; on circuses, for each separate performance, not less than twenty; nor more than one hundred dollars; on the gross amount of commissions charged or received by factors, commission merchants, auctioneers, notaries public, collectors, foreign or State corporation agents of any description, a tax not exceeding one and one-half per cent.; on the gross amount of sales of merchandise of any sort, made by any person engaged in selling or trading, and not otherwise herein specifically taxed, a tax not exceeding one per cent.; on all goods or articles sold at auction, a tax not exceeding two per cent. on the gross amount of such sales; on the gross receipts of all cotton pickeries, storages, wharfages and drays, a tax not exceeding one and one-half per cent.; on the gross amount of premiums received from their business by any bank, by any insurance or lottery company, by any broker or exchange dealer, a tax not exceeding one and

one-half per cent.; on the gross amount of sales of manufactories, a tax not exceeding one half of one per cent.; on all capital employed in any business and not otherwise specifically taxed, a tax not exceeding one-half of one per cent.; on the annual income over six hundred dollars, of every one residing in the city, upon the salaries and fees of all public officers of the city, not over six hundred dollars, and upon the annual gains or profits of all other persons therein, over six hundred dollars, a tax not exceeding one per cent. on such excess; and on all other occupations or things, the subject of taxation by the State, and not herein enumerated or specified, a tax not to exceed the State tax thereon; *Provided*, That no tax shall be laid upon sales under judicial proceedings by executors, administrators or guardians, or on sales of property under mortgages or instruments for the security of debts; nor shall any tax be levied on the sales of cotton as merchandise.

SEC. 32. *Be it further enacted*, That when any real estate is assessed to owners or persons unknown, and the taxes and dues assessed thereon are not paid in sixty days from the time they are required to be paid, then the tax collector shall give notice in one or more of the city newspapers, or by posting in three or more public places in the city, describing therein the lots on which the taxes are due, that he will proceed to sell such lot or lots, or so much thereof as will be sufficient to pay the taxes due, and costs, on a day and at a place therein named; and on said day, or on such day as said sale may be adjourned to, he shall proceed to sell any lot on which the taxes and dues are unpaid, or so much thereof as will be sufficient to satisfy the same, together with a fee of two dollars for advertising and for the certificate of purchase; *Provided*, That the real estate of minors, and the tenements of non-resident owners, may be rented until the taxes and costs due thereon are paid.

SEC. 33. *Be it further enacted*, That the marshal shall give to the purchasers at tax sales, a certificate, as follows: "I, _____, marshal of the city of Eufaula, hereby certify that the city taxes for the year 18—, (or the particular tax, as the case may be,) being due and unpaid on the following lot in said city, (here insert description of property), was this day sold by me to _____, who became the purchaser thereof at public outcry, for the sum of _____

Proceedings
to sell proper-
ty for taxes.

Proviso.

Certificate of
sale.

dollars, including my fee of two dollars for making said sale and this certificate, the receipt whereof is hereby acknowledged; and by virtue of the authority in me vested by law, I authorize the said _____, and his assigns, to hold said premises until the same is redeemed according to law.

Witness my hand and seal of the corporation, this the _____ day of _____, 18—; to which certificate the mayor or clerk shall affix the city seal.

The marshal shall put the holder of such certificate in possession of the premises so sold, within thirty days after the sealing of the certificate, which shall be evidence of a right to possess the premises therein specified, and to retain the same until redeemed in the manner herein directed; and in cases where the lot or land sells for less than the taxes due, the city may bid in the same; otherwise the marshal shall certify the price for which the same sold, and the amount of the tax still due and unsatisfied by said sale.

Purchaser to have possession.

SEC. 34. *Be it further enacted*, That the council shall cause all certificates of tax sales to be recorded in a well bound book, before the seal of the city is affixed thereto; and no other fees or charges shall be received for advertising or making said certificate, seal or record, than is prescribed by this act; and the city is authorized to purchase property sold at the tax sales, which sells for no more than the amount of taxes due and the expenses of sale.

Certificates to be recorded.

SEC. 35. *Be it further enacted*, That any real estate sold for city taxes may be redeemed any time within two years from the day of sale, by any person having the legal right to redeem the same, who will deposit with the city treasurer, for the use of the purchaser, the amount of the purchase-money, together with the amount of all taxes and other necessary expenses paid or incurred by said purchaser in relation to the purchase, with sixteen per cent. per annum interest, together with all the taxes which may remain due to the city on said property, after applying to their payment the amount of said purchase-money, and also the fees due for making the sale, including all expenses thereof, with sixteen per cent. per annum interest on said taxes, fees and expenses; of which sum so deposited, the city shall pay the purchaser whatever may be due him, and retain whatever may be due the city, or its officers; and upon

Right of redemption.

such deposit being made, the title created by the sale and certificate herein provided, shall cease and determine; and the purchaser and claimants under him shall relinquish possession; and shall, after notice of said redemption and a failure on their part to surrender the possession, be deemed unlawful detainers of said property, and shall be liable as such to any appropriate suit or action therefor, at the instance of any one entitled to the possession; *Provided*, That no one shall be entitled to redeem such lands or lots who does not claim in right of the original owner.

SEC. 36. *Be it further enacted*, That when any real estate sold for city taxes is not redeemed within two years from the date of sale, the purchaser of such lots or lands, his heirs or assigns, at the expiration of said time, shall be entitled to a deed thereto, from the marshal of the city, which deed shall be *prima facie* evidence of the regularity of all previous proceedings respecting said sale, and of all the facts stated in the certificate of purchase, as well as of the regular assessment of the taxes of the lot sold, of its sale under execution, and of all the proceedings thereunder; and this act shall be construed a remedial act.

SEC. 37. *Be it further enacted*, That the marshal, or whoever acts as tax collector, shall be charged with and accountable for the whole amount of assessed taxes each year, and he shall only discharge himself from such accountability by showing the insolvency of the persons assessed; and by showing that the amount for which he claims credit has not been collected by him, and could not have been collected by law or otherwise; *Provided*, That all unpaid taxes shall continue a lien on the property assessed, against which execution may issue from time to time, until the taxes due thereon are discharged, or the said real estate is sold for the taxes as herein directed.

SEC. 38. *Be it further enacted*, That if any purchaser of real estate sold for taxes, shall fail or neglect to pay any subsequent tax or assessment, he shall forfeit all his right under his said purchase, and be bound to relinquish the possession thereunder; and if the said lot or property shall be subsequently sold for taxes, the person so holding under the first sale, shall, after notice, be deemed guilty of unlawful detainer; and shall be liable

When not redeemed in two years.

Liability of tax collector.

Proviso.

When purchaser fails to pay subsequent taxes.

to suit or action for possession, at the instance of any one entitled to its possession.

SEC. 39. *Be it further enacted*, That the city policemen, and the marshal, and his assistants, are hereby constituted *ex-officio* constables of this State within the city of Eufaula; and as such, are authorized to preserve the peace and arrest for violation of law in their presence, any person or persons, and to make any arrest to prevent a violation of law in their presence, either with or without warrant, as other peace officers of the State are authorized to do; and they are hereby authorized to execute all process to them directed; and for the purpose of performing their duties, are empowered to call to their aid any and all citizens; they shall be entitled to the same exemptions, privileges and protection given by law to constables and peace officers of the State.

Constables
ex officio.

SEC. 40. *Be it further enacted*, That the mayor or alderman of said city, acting as mayor, is hereby vested *ex-officio* with, and may exercise in said city, all the powers and authority of justices of the peace, and shall be liable, respectively, to the same penalties and restrictions as are imposed by law on such officers; he shall have power to fine, or to fine and imprison, or to sentence offenders to labor on the streets, or other public work of the city; and in case the fine and costs be not paid, to require the party thus in default to work out the fine and costs under the direction of the city officers; *Provided*, That no fine shall exceed one hundred dollars, and no imprisonment more than ninety days; but in cases where the party or parties so tried, are dissatisfied with the judgment rendered, he or they may, any time within five days, and not after, appeal to the city court of Eufaula, or to the circuit court of Barbour county, by giving bond and security, to be approved by the officer trying the case, to pay and satisfy the judgment and costs, in case the judgment shall be affirmed on appeal; or to pay such judgment as the appellate court may render; the proceedings in such appeals shall be as prescribed by law in other cases of appeal. The sheriff of Barbour county, and all ministerial officers of said county, shall obey the mandates of any city officer acting as justice of the peace, and faithfully and truly execute the warrants or processes committed to them for service, according to the mandate; and it is hereby made the duty of the jailor of said county to receive all prisoners

General powers.

Proviso.

committed for violations of the laws of the State, by the mayor or alderman acting as mayor, and the person or persons so committed, safely to keep confined in close jail until delivered therefrom by due course of law.

Limitations
of powers.

SEC. 41. *Be it further enacted*, That in no case shall the faith or credit of the city be pledged for the payment of money unless it be by a vote of two-thirds of the council and approved by the mayor; and in no case shall the private property of the citizens be sold to pay or satisfy the debts or obligations of the city.

Misdemeanors

SEC. 42. *Be it further enacted*, That any person who shall fail or refuse to pay his just dues to any hackman or drayman, at the time the service is performed, is hereby declared to be guilty of a misdemeanor, and may be arraigned by the marshal or any policeman and brought before the mayor or any member of the council presiding, and, on conviction, may be fined not exceeding fifty dollars for each offense; and from the proceeds of said fine, said hackman, drayman or other person, shall be paid his just dues.

New streets.

SEC. 43. *Be it further enacted*, That when the opening of a new street in any part of the city, or any alteration of an existing street is determined on by resolution of council, the mayor of the city shall endeavor to acquire title to the lands necessary for such purposes, by purchase or gift from the owner or owners; when such lands cannot be so obtained, or when the owner or owners thereof are infants, *non compos mentis*, non-residents or persons unknown, then the council shall cause to be summoned by the marshal, a jury of some disinterested persons, resident freeholders and voters of the city, who shall be subpoenaed to appear before the mayor at such time as he shall appoint, and shall proceed to view the premises, and after hearing all the testimony that may be offered on either side, as to the value of the said premises, shall render a verdict assessing such damages to the owner or owners thereof as may be fair and equitable. Said jurors shall, before entering upon the discharge of their duties, take and subscribe an oath, to be administered by the mayor, faithfully and impartially to assess said damages. At all such inquests, the mayor shall preside, and see that the proceedings are regular and proper.

SEC. 44. *Be it further enacted*, That before said inquest is held, public notice of the time and place of

holding the same, shall first be given to all persons interested in the proceedings, as owners or otherwise, so far as known, for such length of time, and in such way as the council may deem reasonable and fair in each case, and on the trial of said cause, each party shall be entitled to three challenges, as in trials in the courts of justice of the peace, and jurors may be challenged for good cause, and to supply the place of any challenged or absent, others may be summoned instanter; *Provided*, That any one summoned as juror in such cases, and failing or refusing to attend, without a reasonable excuse, to be judged of by the mayor, may be fined by him, not exceeding fifty dollars, to be collected as other fines under this act. Notice to be given.

SEC. 45. *Be it further enacted*, That upon the finding of the said jury the council shall direct that the sum assessed to each owner be paid out of the city treasury; and upon the payment thereof, or upon the refusal of the party, when legally tendered the amount, to receive the same, the title to the said land shall vest in the city for the public use. Assessment of damages.

SEC. 46. *Be it further enacted*, That either side may appeal from the verdict of the said jury, within thirty days thereafter, to the circuit court of the county, or to the city court of Eufaula, where said cause shall be tried *de novo*, but in the case of appeal by the owner or proprietor of said land, the council shall not be stopp'd from entering thereon and taking possession and control of the same, for the public use; *Provided*, That the said council shall pay any additional amount that may be adjudged in the appellate court, to be due such owner; *And provided further*, That if the appellant shall recover no more on appeal than was awarded him or her in the lower court, such appellant shall pay all costs and charges of the appellate. Right of appeal.

SEC. 47. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; and that this act shall take effect from and after its passage. Provido.

Approved, February 28, 1870.

Conflicting laws repealed.

No. 184.]

AN ACT

To authorize the voters of Colbert county to permanently locate the county site of said county.

Be it enacted by the General Assembly of Alabama,
 That at an election to be held in the county of Colbert,
 on the first Monday in March, 1870, for county officers,
 that the voters shall at the same time and places, vote
 on the permanent location of the county site of said
 county of Colbert, and that two places are hereby de-
 signated to be voted for, viz: Tuscumbia and Cherokee.
 That the ballots cast shall have written or printed on
 them "Tuscumbia" or "Cherokee," and that the per-
 sons holding the said election shall carefully count out
 said votes, and make return of the same, in every re-
 spect as they do for county officers of said county; and
 the place getting the highest number of votes shall be
 the permanent county site of said county.

SEC. 2. Be it further enacted, That nothing herein con-
 tained shall be so construed as to prevent the holding of
 courts in Tuscumbia, and keeping the records there,
 until such time as suitable buildings can be procured or
 erected at the county site, if the same should be located
 at Cherokee.

Approved, March 1, 1870.

No. 185.]

AN ACT

To consolidate the funds of fines and forfeitures and
 general fund of the county of Sumter.

Be it enacted by the General Assembly of Alabama,
 That hereafter, the county funds in the county of Sum-
 ter, known as fund of fines and forfeitures and the gen-
 eral fund, shall be consolidated, and constitute one fund.

SEC. 2. Be it further enacted, That all claims against
 said county, provided to be paid out of the fund of fines
 and forfeitures, shall be paid out of the fund so consoli-
 dated, and making one general fund, any law to the
 contrary notwithstanding.

Approved, March 1, 1870.

No. 186.]

AN ACT

For the relief of the heirs of Thomas J. Fry, deceased.

Be it enacted by the General Assembly of Alabama,
That the State Auditor be, and he is hereby authorized and required to draw his warrant on the State Treasurer for the sum of two hundred and seventy-seven dollars and fifty cents, (\$277 50-100), or so much as may be necessary to pay said claim, in favor of the heirs of Thomas J. Fry, deceased, late jailor of Lauderdale county; said sum being the amount due Thomas J. Fry for feeding five State prisoners who made their escape from jail, January 27, 1869.

Auditor to
draw warrant
for heirs of
Fry.

Approved, March 1, 1870.

No. 187.]

AN ACT

To make Mrs. Mary E. Brown, Mrs. M. L. Owen, and Mrs. Elizabeth Hughes, of Montgomery county, free-dealers.

Be it enacted by the General Assembly of Alabama,
That Mrs. Mary E. Brown, wife of A. M. Brown, Mrs. M. L. Owen, wife of R. Owen, and Mrs. Elizabeth Hughes, of the county of Montgomery, are hereby declared to be free-dealers.

Free dealers.

Approved, March 1, 1870.

No. 188.]

AN ACT

To amend an act to incorporate the Protestant Episcopal church, in the diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers and other destitute persons.

Be it enacted by the General Assembly of Alabama,
That an act entitled, "An act to incorporate the Protestant Episcopal church, in the diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers and other destitute persons," be, and the

Amendment.

same is hereby amended, by inserting in the second section of said act, the words, "with the pastors of churches," so that the said act as amended, shall read as follows: "An act to incorporate the Protestant Episcopal church in the diocese of Alabama, and enable said church to provide for the orphans and widows of soldiers and other destitute persons. Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Right Reverend Richard H. Wilmer, Bishop of the Protestant Episcopal church in the diocese of Alabama, and his successors in office, be, and they are hereby created a corporation by the name of the Protestant Episcopal Church in the Diocese of Alabama, and by that name may sue and be sued, defend and be defended, and exercise all the powers incident to such religious corporations and not inconsistent with the constitution and laws of this State. Sec. 2. Be it further enacted, That if there shall be a vacancy by death or otherwise in said office, such vacancy shall not cause the dissolution or lapse of said corporation, but the standing committee of said church, with the pastors of churches, shall be regarded as succeeding to said Bishop for the purposes of this act until his successor shall be elected and enter upon his office. Sec. 3. Be it further enacted, That the said corporation may acquire money, and real or personal estate of any description whatever, not exceeding one million of dollars in specie or its equivalent, by gift, grant, devise, bequest or purchase, for the use and benefit of said church, or of the Asylums hereafter provided for in said diocese, and all such property shall be exempt from taxation; and may dispose of the same by gift, conveyance or otherwise, at the pleasure of said corporation. Sec. 4. Be it further enacted, That said corporation be, and they are hereby empowered to establish in the city of Tuskaloosa, and at such other place or places in the State of Alabama, as they may deem proper, an Asylum or Asylums, by such means as they may deem proper, for the orphans and widows of soldiers, and for other destitute persons, and for the support and maintenance, education and training of such orphans, or other children, and also for the support and maintenance of other destitute persons. Sec. 5. Be it further enacted, That

Amended act.

Incorporated.

Charter not lapse by reason of Bishop's death.

May acquire money, &c.

Exempt from taxation.

May establish asylums.

the Bishop of said diocese for the time being, and if there be no Bishop, the standing committee of said church, as the head of said corporation, may make all such rules and regulations for the government of such Asylums, and appoint such suitable agents and officers thereof as they may deem proper; and for satisfactory reasons, remove such agents, and provide for the management and disposition of the property of said corporation; and by the corporate name may receive and dispose of any money, real estate or other property whatever, for the benefit of such Asylums. Sec. 6. Be it further enacted, That all property, real or personal, heretofore given or conveyed to any person for the benefit of the Protestant Episcopal church of the diocese of Alabama, or held in trust for the same, shall vest in the said corporation, as though given or conveyed thereto by its corporate name, and no devise, bequest, gift, grant or conveyance heretofore made for the benefit of said church, or of any Asylum, such as contemplated by this act, or which shall hereafter be made for the use or benefit thereof, or of any Asylum as herein contemplated, in the city of Tuscaloosa, or elsewhere in this State, shall fail for want of a sufficient description, or of a competent person to take, or for any other reason whatever; but the same shall vest in said corporation by the name given by this act, approved December twelfth, eighteen hundred and sixty-four.”

Rules and regulations.

Property to vest in corporation.

SEC. 2. *Be it further enacted*, That this act and all the powers of said incorporation shall be of full force and effect, from and after the date of its passage.

Act in force from date.

Approved, March 1, 1870.

No. 189.]

AN ACT

To amend section 2351 of the Revised Code of Alabama.

Be it enacted by the General Assembly of Alabama, That section 2351 of the Revised Code of Alabama, which is in these words, to-wit: “The court of chancery has power to divorce persons from the bonds of matrimony upon bill filed in chancery by the aggrieved party for the causes following: 1st. In favor of either party when the other was at the time of the marriage physi-

Sec. 2351 re-cited.

caly and incurably incapacitated from entering into the marriage state. 2d. For adultery. 3d. For voluntary abandonment from bed and board for two years next preceding the filing of the bill. 4th. Imprisonment in the penitentiary of this or any other State for two years, the sentence being for seven years or longer. 4th. a. The commission of the crime against nature, whether with mankind or beast, either before or after marriage," be amended by adding to said section the following clause :
 Amendment to include drunkenness. 4th. b. For becoming addicted, after marriage, to habitual drunkenness.

Approved, March 1, 1870.

No. 190.]

AN ACT

To repeal an act entitled "An act to amend an act to incorporate the Stafford Mills," approved October 10, 1868.

Be it enacted by the General Assembly of Alabama,
 Act repealed. That an act entitled "An act to amend an act to incorporate the Stafford Mills," approved October 10, 1868, be, and the same is hereby repealed; *Provided,* This act shall not take effect until January, 1871.

Approved, March 1, 1870.

No. 191.]

AN ACT

To authorize the court of county commissioners of Escambia county to levy and collect a special tax for county purposes.

Be it enacted by the General Assembly of Alabama,
 Special tax authorized. That the court of county commissioners of Escambia county be, and they are hereby authorized to levy and collect a special tax for county purposes, not exceeding one hundred per cent. now allowed by law.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby repealed.
 Conflicting laws repealed.

Approved, March 1, 1870.

No. 192.]

AN ACT

To relieve the Masons' Life Association of the State of Alabama from taxation.

Be it enacted by the General Assembly of Alabama, That the Masons' Life Association of the State of Alabama shall be exempt from all taxes, State, county or municipal, on its income, property and agencies. Exempt from taxation.

Approved, March 1, 1870.

No. 193.]

AN ACT

To regulate the practice in the circuit court of Mobile county.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the terms of the circuit court of Mobile county shall commence on the third Monday of November and the first Monday in March in each year; said terms shall continue as long as the business of the court shall require; *Provided,* The term beginning on the first Monday of March shall not continue beyond the last Saturday in June in each year; *And provided, also,* That temporary adjournments of the court during said terms may be made, as the judge thereof shall order, to enable him to hold the other courts in his circuit, and such temporary adjournments may, from time to time, be ordered within said terms, as the business of said court may allow, and as may be deemed expedient and proper by the judge of said court. Terms of circuit court.

SEC. 2. *Be it further enacted,* That all process from said court, whether mesne or final, which is now required to be made returnable on the first day of the terms of said court, may be made returnable on the first day of any month during said terms, as well as to the first days of the terms herein named, and be executed accordingly; *Provided,* That not less than twenty days, nor more than six months shall intervene between the issuance and the return day of mesne process to bring parties into court to answer suits and complaints, and all executions and final process shall be made returnable. Processes, how returnable.

ble on the first Monday of the month, whether in term time or not, next after the expiration of five months from the date of the issuance thereof.

SEC. 3. *Be it further enacted,* That parties served with mesne process to appear and answer to any suit or demand, shall enter their appearance within three days after the return day named in the writ, if he, she, or they have been served therewith twenty days before said return day; or if he, she, or they have not been served twenty days, then within three days of the first Monday after such service has been effected, if that day occurs in term time, or if not, then within three days of the first day of the next succeeding term; and all causes shall stand for trial on the first Monday of the month next succeeding such appearance day, if in term time, or if not, then on the first day of the next succeeding term.

SEC. 4. *Be it further enacted,* That the judge of the circuit court aforesaid shall have power to make and adopt such rules of practice for the circuit court of Mobile county, and for the orderly conducting of the business of said court, conforming to the laws in force, as a proper system of city practice may require, and may amend the same from time to time, as experience may suggest improvement and amendment, subject, however, to the supervision and control of the supreme court of the State.

Approved, March 1, 1870.

No. 194.]

AN ACT

To register and pay the debt of Sumter county.

Be it enacted by the General Assembly of Alabama, That all claims of every description and denomination, including jury and witness tickets, that are payable by the county of Sumter, and were due on the first day of January, 1870, shall be, and are hereby required to be registered, if not already done, in the office of the treasurer of said county, before any such claims shall be paid, and that a period of six months from said first day of January, 1870, be allowed, and is hereby prescribed as the limit for such registering of said claims, and if any

Registration
of claims.

Non-register'd
claims disal-
lowed.

shall not be so registered at the expiration of said time, the same shall be forever disallowed and rejected as a claim against said county; and such claims, when so registered, shall draw interest at 8 per cent. per annum ^{Interest on re- gister'd claims} from the date of registration; *Provided, however,* That claims registered prior to the first day of July, 1869, shall only draw interest from that date.

SEC. 2. *Be it further enacted,* That all taxes in said county which are now assessed, or shall hereafter be assessed, shall be paid in National or State currency, ^{Taxes, how paid.} excepting so much as may be paid in coupons of county bonds and county treasury notes.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, are ^{Conflicting laws repealed.} hereby repealed.

Approved, March 1, 1870.

No. 195.]

AN ACT

To incorporate the town of Somerville, in Morgan county.

Be it enacted by the General Assembly of Alabama, That the town of Somerville, in the county of Morgan, be, and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of land one half mile square, the marginal lines of which shall be equidistant, north, south, east and west from the centre of the present court-house of said county. ^{Town incor- porated.} ^{Corporate limits.}

SEC. 2. *Be it further enacted,* That an election shall be held at the court-house, in said town, on the first Monday in May, 1870, after giving ten days notice, by advertisement, on the court-house door, and two other public places in said town, and on the same day in every succeeding year, after the giving of like notice of the time and place of said election, to commence at 12 o'clock, m., and close at 4 o'clock, p. m., for the purpose of electing an intendant and four councilmen, inhabitants of said town, who shall serve for the term of one year, and until their successors are duly elected and qualified, which election shall be held by the probate judge of Morgan county, and two inhabitants of said town, and all subsequent elections shall be held by the ^{Elections, by whom held.}

Duties of intendant. intendant and any two councilmen, and in absence of the intendant by a majority of the councilmen, or by any three citizens of said town who may be appointed for that purpose; and it shall be the duty of the intendant to preside at all the meetings of the council, and to preserve order and decorum, and in his absence or incapacity, any councilman may be called to the chair; and the said intendant and councilmen shall be, and they are hereby declared and constituted a body politic and corporate by the name and style of "The Town Council of Somerville," and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity; and they shall have full power and authority to keep a common seal, and the same to break, alter and amend at pleasure; and in general, to do and perform all acts which are usually incident to the powers granted to bodies corporate; to purchase, hold, use and dispose of, for the benefit of the aforesaid town, real, personal and mixed property, to the value of two thousand dollars, and no higher amount.

Name, and style.

Powers.

General powers. SEC. 3. *Be it further enacted,* That the said corporation shall have power to pass by-laws and ordinances necessary to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town; to prevent and remove nuisances; to prevent and punish breaches of the peace; establish, alter and ascertain new streets and alleys, with the consent of the proprietors of lots on which they pass; to provide for licensing, taxing and restraining theatrical amusements, and shows of any description in said town; *Provided,* That the same are not taxed higher than similar amusements are taxed by the revenue laws of the State; to clear, remove obstructions from, and keep in repair the streets and alleys of said town; to have a general superintendence over the public springs and wells in said town; to erect and regulate markets, and provide and preserve the public buildings and property in said town; and the said corporation shall have full power and authority to alter, amend, repeal or revoke at pleasure any by-laws, and put in execution all such as may be in force, not inconsistent with the constitution and laws of this State; the said corporation shall have power to appoint a treas-

urer and a marshal, and as many other subordinate officers as they may think necessary. It shall be the duty of the said marshal to superintend the public work, arrest offenders, collect fines, pay over the same to the council, and to do and perform all other such duties as the council may impose, and the good order of said town may require. It shall be the duty of said treasurer to receive all moneys, pay out the same on warrant of intendant, keep books showing the amount of receipts and disbursements, and to publish a balance sheet of the same, once a month, by posting the same on the courthouse door of said town; that said officers are to be paid for their services alone out of the money arising from fines, and to be punished for neglect of duty by the imposition of such fines, not exceeding fifty dollars, as the said intendant and councilmen may deem necessary; and the said corporation are hereby empowered to levy and adjudge, and collect by execution and other legal process, such fine or fines, not exceeding twenty dollars, for a breach or breaches of their by-laws, as they may deem proper: *Provided always*, That in all such cases as are or may be punished or taken cognizance of, by the other courts of this State, the said council shall have no jurisdiction whatever; and that in all such cases, when they have a right to impose a fine, an appeal shall enjoin their decision to the next ensuing term of the circuit court of Morgan county, on the appellant giving bond and security, payable to the said corporation, in double the amount of the fine, conditioned to be void on the payment of the cost and such other judgments as the said circuit court may award, in case said appeal is decided against said appellant; and all fines imposed and collected by said corporation shall be paid to the treasurer, for the benefit of said town.

Sec. 4. *Be it further enacted*, That when any vacancy or vacancies shall happen in the board of intendant and councilmen, by [the] death, resignation or otherwise, such vacancy or vacancies shall be filled by the board; and the member or members so added, shall continue in office until the next succeeding annual election; and if there should be a failure to hold the annual election for intendant and councilmen on the day mentioned in this act, for that purpose, then all the powers, rights and privileges, immunities and franchises hereinbefore or hereinafter conferred on the said intendant and council

Treasurer and other officers.

Duty of marshal.

Duties of treasurer.

Services, how paid.

Penalty for neglect of duty

Limitation.

Right of appeal.

Vacancy, how filled.

Failure of elections shall forfeit franchise.

as a corporation, shall forever cease and determine, and be of no force and effect whatever.

Clerk, his duties. SEC. 5. *Be it further enacted*, That said intendant and councilmen shall appoint one of their body a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish all the by-laws and ordinances by advertisement on the court-house door and two other public places in said town; that the said records shall be open at all times to the qualified voters in said corporate limits, and said clerk shall be required to make and publish a quarterly report of all moneys collected and disbursed by said corporation.

Oath. SEC. 6. *Be it further enacted*, That the intendant, marshal and councilmen, in addition to the oath prescribed for public officers before they enter upon the discharge of their duties, take and subscribe the following oath, to-wit: "I, A. B., as the case may be, intendant, councilman or marshal, do solemnly swear, (or affirm,) that I will, to the best of my skill and ability, discharge all the duties incumbent on me, so help me God;" a certificate of which oath shall be filed with the records of said board.

Marshal and treasurer to give bond. SEC. 7. *Be it further enacted*, That the said marshal and treasurer, before they enter upon the discharge of their duties, shall be required to give such bond as the council may require, payable to the corporation for the use of the town, conditioned for the faithful discharge of their duties as such officers, and the payment of all moneys of said corporation that may come to their hands when ordered by said council to do so; *Provided*, That in no case shall the bond or bonds of these officers be under two hundred and fifty dollars each.

Qualification of voters. SEC. 8. *Be it further enacted*, That all male persons of twenty-one years of age and upwards, who have resided within the limits of said corporation six months immediately preceding an election for intendant and councilmen, shall be qualified voters.

Civil and criminal jurisdiction of intendant and marshal. SEC. 9. *Be it further enacted*, That the intendant and marshal shall be *ex officio* justice of the peace and constable during the time they may continue in their respective offices within the limits of said town, for the purpose of carrying into effect the by-laws and ordinances of said town of Somerville, and in addition to their jurisdiction as intendant and marshal as aforesaid, they shall have all the civil and criminal jurisdiction,

power and authority of a justice of the peace and constable, in and for said county of Morgan, without limitation of precincts or beats, and that they are hereby clothed and empowered with such jurisdiction, power and authority of the justice of the peace and constable throughout the limits of said county of Morgan in this State.

SEC. 10. *Be it further enacted*, That all persons residing within said corporate limits, liable to do road duty, shall be liable, and are hereby required to work on the streets, roads and alleys within the corporate limits of said town, not exceeding ten days in any one year; *Provided*, That any such person or persons shall be exempt from working on the streets, roads and alleys of said town by paying such street tax as the corporate authority may impose, not exceeding ten dollars per annum.

Road duty.

Proviso.

SEC. 11. *Be it further enacted*, That all persons residing within said corporate limits shall be wholly exempt from road duty without said limits, and all persons exempt from road duty by the laws of this State, are also exempt from any road duty within the corporate limits of said town.

Exempt from road duty.

SEC. 12. *Be it further enacted*, That, in all cases when any person or persons shall be convicted of offenses against the law, by-laws or ordinances of said town, and such person or persons shall fail or refuse to pay or secure to be paid, the fine or fines imposed, it shall be lawful for a majority of the board of intendants and councilmen to commit such person or persons to the common jail of said county for any period, not exceeding forty-eight hours, unless such fines and costs are sooner paid.

Imprisonment for offenses.

SEC. 13. *Be it further enacted*, That the sale of spirituous or malt liquors by wholesale or retail shall not be prohibited within the corporate limits of said town, when the person or persons engaged in said traffic, or about to engage in it, shall have first procured a license therefor from the State and county, and also a license from the corporation, which said corporation license shall in all cases be regulated by the State license in similar cases, and in no case exceed the tax imposed by the revenue laws for the benefit of the State; *Provided*, That no apothecary, druggist or physician, selling spirituous or malt liquors strictly for medical purposes, shall in any wise be taxed by the said corporation.

Sale of liquors not to be prohibited.

Proviso.

Fee bill:

SEC. 14. *Be it further enacted*, That the fee bill for the intendant and marshal and clerk of said council, shall be regulated by the fee bill for magistrate and constable as now recognized by law, and in no case shall the costs in any one case for the violation of a law, by law or ordinance of said town, exceed the sum of ten dollars, for which execution may issue.

Conflicting laws repealed.

SEC. 15. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, March 1, 1870.

No. 196.]

AN ACT

To authorize the judge of the city court of Mobile to transfer in certain cases criminal causes to the circuit court of Mobile county for trial.

Certain cases may be transferred.

Be it enacted by the General Assembly of Alabama, That in all cases in the city court of Mobile, when the judge of said court is connected by blood or affinity to the prosecutor, or party alleged in the indictment to be injured, or if said judge be a witness in the cause, it shall be lawful for the judge of said court, by an order entered on the minutes, to transfer any such case to the circuit court of Mobile county for trial, and thereupon it shall be the duty of the clerk of said city court to transfer to said circuit court all the original papers in such case, together with a certified transcript of all orders in such case, and on said papers and orders being filed in the circuit court of Mobile county, the said circuit court shall proceed and try said cause, and proceed to judgment as if said cause had originated in said circuit court.

Duty of clerk.

Approved, March 1, 1870.

No. 197.]

AN ACT

To amend section 6 of an act entitled "An act to incorporate the Vicksburg and Brunswick Railroad Company."

Be it enacted by the General Assembly of Alabama,
That section 6 of the above recited act, which is in words Sec. 6 recited.
and figures as follows, to-wit: "Section 6. Be it further
enacted, That the directors shall be chosen annually by
the stockholders of said company, and shall hold their
offices until their successors are elected, and the direct-
ors so elected shall elect a president from among them-
selves," be and the same is hereby amended so as to
read as follows, to-wit: Sec. 6. Be it further enacted, Amendment.
That thirteen directors shall be chosen annually by the
stockholders of said company, and shall hold their offices
until their successors are elected, and the directors so 13 directors
elected shall elect a president from among themselves;
Provided, That the directors now elected shall elect four
additional directors, to serve for the year 1870.

Approved, March 1, 1870.

No. 198.]

AN ACT

To repeal an act entitled "An act to authorize justices of the peace to appoint overseers of roads and other purposes in the county of Marion."

Be it enacted by the General Assembly of Alabama,
That an act to authorize justices of the peace to ap- Act repealed.
point overseers of roads and other purposes in the county
of Marion, approved January 26, 1858, be and the same
is hereby repealed.

Approved, March 1, 1870.

No. 199.]

AN ACT

To declare Elvira W. Jones, wife of William E. Jones, of the county of Greene, a free dealer.

Be it enacted by the General Assembly of Alabama,
Free dealers. That Elvira W. Jones, wife of William E. Jones, of the county of Greene, be, and she is hereby declared a free dealer, and to be capable in law of suing and being sued, to contract and be contracted with, and acquiring, holding and conveying property as if she were *femme sole*.

SEC. 2. *Be it further enacted,* That the provisions of section one of this act shall apply to Mrs. Lucy H. Dreyspring, wife of Adolph Dreyspring, of Montgomery county.

Approved, March 1, 1870.

No. 200.]

AN ACT

To make Susan E. Bunting, and Mrs. Caroline A. Bell, wife of Bennett B. Bell, a free dealer.

Be it enacted by the General Assembly of Alabama,
Free dealers. That Susan Elizabeth Bunting, wife of David J. Bunting, of Montgomery county, and Caroline A. Bell, wife of Bennett B. Bell, of Sumter county, be, and they are hereby declared free dealers, with all the rights and liabilities as if they were severally *femme sole*.

Approved, March 1, 1870.

No. 201.]

AN ACT

To amend section three of an act entitled an act to repeal an act entitled an act to establish the city court of Huntsville.

Be it enacted by the General Assembly of Alabama,
Sec. 3 recited. That section three (3) of an act entitled an act to repeal an act entitled an act to establish the city court of Huntsville, approved January 20th, 1870, that reads as

follows : "Section three (3). Be it further enacted, That all writs, bonds and papers of every kind, now filed in or returnable to said city court shall have the same effect and force when returned and removed to said circuit court, that they would have if they had been originally returned to said circuit court, and all judgments and executions of said city court shall have in the said circuit court such force and effect as if the judgment had been rendered by and executions issued from the said circuit court," be amended so as to read as follows : ^{Amendment.}

Section 3. Be it further enacted, That all writs, bonds and papers of every kind, except indictments which are hereby annulled, now filed in or returnable to said city court, shall have the same effect and force when returned ^{Indictments excepted and annulled.} and removed to said circuit court that they would have if they had been originally returned to said circuit court, and all judgments and executions of said city court shall have in the said circuit court such force and effect as if the judgment had been rendered by and the execution issued from the said circuit court.

Approved, March 1, 1870.

No. 202.]

AN ACT

To ratify and confirm a contract made by the Selma, Rome and Dalton railroad company with John Everitt, and others, transferring franchise, road bed, &c., between Jacksonville and Gadsden, in the State of Alabama.

WHEREAS, The stockholders of the Selma, Rome and Dalton railroad company, in convention assembled at Selma, in the State of Alabama, on the 21st day of April, 1869, did duly pass and adopt a resolution fully authorizing and instructing the board of directors of said company to give and transfer all right of franchise and road bed, graded or to be graded, which said company now owns or possesses in the line of road from Jacksonville to Gadsden, in this State, to any person or to any company duly organized, or to be organized, who will give sufficient guarantee to build or put the same in operation between said places ; And whereas, afterwards, to-wit, on the ninth (9th) day of July, 1869, the ^{Preamble.}

board of directors of said company met in the city of New York, and in accordance with the resolution duly passed by the stockholders of said company, did fully authorize and instruct the president of said company to execute the requisite papers to carry out the resolution adopted by the said stockholders in convention assembled as aforesaid; And whereas, afterwards, to-wit, on the fifteenth day of September, 1869, F. H. Delano, president of the Selma, Rome and Dalton railroad company, did close and execute a contract with John Everitt, of England, Wm. H. Forney, James Crook, Peyton Rowan, and Thomas A. Walker, of Alabama, agreeing to convey, transfer and abandon to the said parties or their assigns, all the right of franchise, right of way, road bed, graded or to be graded, which the said railroad company now owns or possesses in the line of road from Jacksonville to the east bank of the Coosa river at Gadsden, where said line of road is finished and put in operation; Now, therefore,

Contract confirmed.

May transfer right of franchise, &c.

Be it enacted by the General Assembly of Alabama, That the contract made by the Selma, Rome and Dalton railroad company, by authority of its stockholders and board of directors, as shown in said contract executed as aforesaid to John Everitt, W. H. Forney, James Crook, Peyton Rowan and Thomas A. Walker, be, and the same is hereby ratified and confirmed, and that said railroad company, acting by its board of directors, have conferred upon it full power and authority to transfer, convey and abandon to the said parties or their assigns, all the right of franchise, right of way and road bed, graded or to be graded, which the said railroad company now owns or possesses in the line of road from Jacksonville to the east bank of the Coosa river at Gadsden, in full accordance with the contract made between said contracting parties.

Approved, March 1, 1870.

No. 203.]

AN ACT

To prohibit the sale of liquors in less quantities than one gallon in the town of Ashville, in the county of St. Clair, and within one mile of the court-house of said county, from and after the 31st December, 1870.

Be it enacted by the General Assembly of Alabama, That from and after the 31st day of December, 1870, it shall be unlawful for any person or firm to buy or sell spirituous, vinous, or malt liquors in less quantities than one gallon in the town of Ashville, in the county of St. Clair, or within one mile of the court-house of said county. Traffic in liquors prohibited.

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than three, nor more than twelve months, at the discretion of the jury trying the same. Penalty for violation.

SEC. 3. *Be it further enacted,* That this act shall be inoperative except approved by a majority of the legal voters included in the bounds designated by this act, to be ascertained by an election to be holden on twenty days notice, to be given by the sheriff of the county, to be conducted as other elections. Act must be submitted to voters.

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Conflicting laws repealed.

Approved, March 1, 1870.

No. 204.]

AN ACT

To change the apportioning of hands on roads in Tallapoosa county.

Be it enacted by the General Assembly of Alabama, That hereafter the justice of the peace of each precinct in Tallapoosa county shall be empowered to appoint overseers on roads, and apportion hands, any law to the contrary notwithstanding. Justices of peace to appoint overseers of roads.

Approved, March 1, 1870.

No. 205.]

AN ACT

To make Anna E. Fox, of Russell county, Elizabeth G. Read, of Lee county, and Elizabeth C. Buchanan, of Russell county, and Mrs. Sarah E. Johnson, of Greene county, free dealers.

Be it enacted by the General Assembly of Alabama,
 Free dealers. That from and after the passage of this act, that Anna E. Fox, of Russell county, Elizabeth G. Read, of Lee county, and Elizabeth C. Buchanan, wife of John Buchanan, of the county of Russell, and Sarah E. Johnson, of Greene county, and State of Alabama, be, and they are hereby authorized to contract and be contracted with, and to carry on business on their own account, to purchase, hold and dispose of property, both real and personal, or mixed, in their own name and for their own use, and to sue and be sued, as if they were *femme soles*, and that all their future acquisitions of property of any and all descriptions whatever, shall be free from liability for any debt or debts or contracts of their husbands.

Approved, March 1, 1870.

No. 206.]

AN ACT

To legalize the marriage ceremony between S. A. Thornton and Martha F. B. Thornton, of the county of Etowah.

Be it enacted by the General Assembly of Alabama,
 Marriage legalized. That the marriage ceremony heretofore had on behalf of and between S. A. Thornton and Martha F. B. Thornton, of the county of Etowah, be and the same is hereby declared lawful, and is legalized to all intents and purposes by this act.

Approved, March 1, 1870.

No. 207.]

AN ACT

For the relief of the Mobile Manufacturing Company.

Be it enacted by the General Assembly of Alabama, That the corporators of the act of the State of Alabama, approved on the 12th day of February, 1866, entitled *Charter not forfeited.* "An act to incorporate the Mobile Manufacturing Company," (number two hundred and six, in the acts of 1865-6,) and their associates be, and they are hereby relieved from forfeiture of said charter by reason of their not having been organized, and of their having failed to commence the business, authorized by said act, up to this time, and shall be and continue so relieved; *Proviso.* *Provided,* That such organization and commencement of business shall be accomplished within one year from and after the date of approval of this act.

Approved, March 1, 1870.

No. 208.]

AN ACT

To allow the chief justice of the supreme court of this State a secretary.

Be it enacted by the General Assembly of Alabama, That the chief justice of the supreme court of this State shall be allowed a secretary for and during each and every term of said supreme court, and for one month after said court shall have adjourned, to aid him in arranging and examining the causes that may be heard in said court. *Secretary allowed.*

SEC. 2. *Be it further enacted,* That the secretary so allowed shall be appointed by said court as the reporter thereof is now appointed, and hold his office for the term of the chief justice for whom he is appointed, and receive for his services six dollars each day during the term of his actual service in his employment. He shall take the constitutional oath of office before entering on his duty. *How appointed.* His salary shall be paid monthly on the certificate of said chief justice, and he shall be removable at the pleasure of the judge of said court. *Must take oath.* *Salary, how paid.*

Approved, March 1, 1870.

To amend the charter of the city of Demopolis.

Qualified voters. *Be it enacted by the General Assembly of Alabama,* That hereafter, all residents in the city of Demopolis, who have resided in said city six months previous to any election, and who are qualified voters under the constitution and laws of this State, shall be deemed qualified voters at any election held by authority of the charter of said city.

May divide the city into wards. *SEC. 2. Be it further enacted,* That the mayor and councilmen of said city shall have authority to divide the city into wards, which shall be as nearly equal in the number of inhabitants as may be, and may change the boundaries of said wards when deemed necessary; *Provided,* no change shall be made within thirty days previous to any election, and when wards are formed or changed, notice thereof shall be given by publication for three successive weeks, in some newspaper published in the city. When so divided, two members of the city council shall be elected from each ward by the qualified electors thereof.

Mayor to give bond. *SEC. 3. Be it further enacted,* That the mayor of said city shall give bond for the faithful performance of the duties of his office, in the sum of one thousand dollars, such bond to be approved by the probate judge of Marengo county, and filed in his office.

Powers of city government. *SEC. 4. Be it further enacted,* That in addition to the powers now conferred on the city government of said city, it shall have authority to sink wells, to organize and regulate fire companies, to establish and regulate markets, to establish and regulate ferries within four miles of the city, to erect public school houses and to sustain schools, to pass and enforce ordinances requiring shade trees to be planted and taken care of along the side walks of said city, by or at the expense of the owners of adjoining lots, to issue bonds in aid of works of public improvement, such bonds not to exceed seven (7) per cent. on the value of the taxable property in the city, and to levy and collect taxes, not exceeding in all, one and five-tenths (1 5-10ths) of one per cent. of the assessed value of such property.

Taxes. *SEC. 5. Be it further enacted,* That the mayor and common councilmen of the city of Demopolis, or a ma-

majority of them, be, and they are hereby authorized to rent out or lease for such term of years, and upon such conditions as they may deem best, any real estate belonging to, or in possession of said city. May rent or lease real estate.

SEC. 6. *Be it further enacted*, That anything in the charter of said city in conflict with the provisions of this act, be, and the same is hereby repealed. Conflicting laws repealed.

Approved, March 1, 1870.

No. 210.]

AN ACT

To incorporate the town of Tuskegee, in the county of Macon, and for other purposes.

Be it enacted by the General Assembly of Alabama, That the town of Tuskegee, in the county of Macon, be, and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of land two and one-half miles square, the boundary lines of which shall be equidistant east, west, north and south from the centre of the present court-house of said county, and the present and future inhabitants of the said town of Tuskegee, as by this act incorporated, shall be and they are by this act made and constituted a body corporate and politic under the name and style of "The Town of Tuskegee," under and by which name and style, and acting by and through the proper officers of said incorporation, to be hereinafter designated, all the corporate powers and privileges of said town by this act granted, shall be executed and carried into effect, and under the corporate name aforesaid the said town incorporation shall sue and be sued, shall plead and be impleaded, answer and be answered, in all manner of suits, either in law or equity; may keep a common seal, and the same may break, alter or amend at pleasure; may purchase, receive, hold and sell, grant, alien and assure, or let real and personal property, for the benefit of said town, to the value of twenty thousand dollars. Town incorporated. Corporate limits. Name and style. Franchise.

SEC. 2: *Be it further enacted*, That the government of said town shall be styled "The Town Council of Tuskegee," and shall consist of an intendant and four councilmen, inhabitants of said town, who shall serve for the term of one year; and until their successors shall Style of government. Officers.

Voters.

be duly elected and qualified, each to be elected by the legal voters of said town, who shall consist of all male persons of the age of twenty-one years and upward, who have resided within the limits of said town for the space of two months next preceding the election at which they propose to vote.

Qualifications of officers.

SEC. 3. *Be it further enacted*, That the qualifications of the intendant shall be determined by a majority of the councilmen, who shall have been residents of the said town for the space of twelve months next preceding election or appointment, and each of them shall be *ex officio* justice of the peace for the purpose of carrying into effect all the by-laws, ordinances and laws that may be enacted by the said board of intendant and councilmen, and each shall own real estate in said town to the amount of one hundred dollars in value.

Qualifications; how determined.

SEC. 4. *Be it further enacted*, That the qualifications of the intendant shall be determined by a majority of the councilmen, and the qualifications of any councilman by a majority of the intendant and other councilmen, and each of them, and also the marshal, clerk, and other officers hereinafter provided, shall, in addition to the oath prescribed for public officers, before they enter upon their respective offices, take and subscribe the following oath, to-wit: "I, A. B. (as the case may be,) intendant, councilman, marshal, or other officer, do solemnly swear (or affirm) that I will, to the best of my skill and ability, discharge all the duties incumbent on me. So help me God;" certificate of which oath shall be filed with the records of said board.

Oath of office.

Elections.

SEC. 5. *Be it further enacted*, That all elections for intendant and councilmen and clerk of the said town of Tuskegee shall take place on the first Monday of March of each and every year; but should any election not take place on the day appointed, the corporation is not for that cause dissolved, but the intendant and councilmen shall remain in office until their successors are elected and qualified, and shall proceed to appoint some other day, as near as may be, not beyond thirty days, on which the election shall be held.

Quorum.

SEC. 6. *Be it further enacted*, That for the transaction of all business other than is hereafter especially provided for, a majority of the board of intendant and councilmen shall be necessary, but a less number may make adjournments from time to time, and the board may, by its by-

laws, compel the attendance of its members by a reasonable fine; *Provided*, That in all cases reasons for the non-attendance of any member may be heard, and their sufficiency passed upon by the members of the board, not interested in the case.

SEC. 7. *Be it further enacted*, That the board of intendant and councilmen shall have power—First, to appoint a treasurer, marshal and such other officers as may be necessary, removable at the pleasure of the council; to prescribe their duties and to require of them bonds with security in such amount as may be necessary and proper for the faithful discharge of their duties. Second, to determine the amount of the salary and perquisites of the intendant, marshal, clerk and treasurer and other officers. Third, to pass such laws, by-laws and ordinances as may be necessary and proper to carry out and enforce the powers in this charter granted, and for their own government, not contrary to the laws of the State or to the restrictions herein imposed. Fourth, to impose taxes upon real and personal property, and provide for the collection of the same; *Provided*, That the tax imposed upon any species of property shall in no case exceed the amount of twenty-five hundred dollars in any one year. Fifth, to prevent nuisances and to remove the same. Sixth, to license, tax, regulate or restrain theatrical and other shows, exhibitions and other amusements, and also lectures and concerts for pay. Seventh, to restrain and prohibit gaming houses and houses of ill-fame, disorderly conduct, and breaches of the peace, and to affix fines for the same. Eighth, to establish night and day police, to consist of three (3) white and three (3) colored, and watches; to appoint captains for the same, and to punish the captains, policemen and watches by reasonable fines for neglect or non-performance of duty. Ninth, to prevent and disperse all unlawful assemblies. Tenth, to establish and regulate markets; to sink, keep in repair and control public wells; to make all needful provision for furnishing the town with good, wholesome water; to keep in repair all streets, alleys and sidewalks, to open the same when they may be shut up, and at all times to keep them free from obstructions of whatever description; to build and repair bridges, and make drains, and adopt measures necessary to preserve and regulate the same. Eleventh, to license, under such restrictions as may be proper,

Powers of council.

Official bonds.

Salaries.

By-laws.

Taxation.

Licenses.

wagons, carts, drays and carriages, running for hire within said corporation. Twelfth, to tax and license drinking, billiard and bowling saloons upon such conditions as may be necessary and proper to regulate and control them effectually, and to prohibit the sale of malt or spirituous liquors within the limits of said town by any person without having first procured a license for the same; *Provided*, That the tax imposed under this subdivision shall be in proportion to the gross amount of business done in any one year. Thirteenth, to punish, by fine, not exceeding five dollars, or by imprisonment not exceeding ten hours for each offense, all contempts of the board of intendant and council when in session, or of the intendant or any councilman when sitting for the trial of offenses. Fourteenth, to pass and enforce all ordinances necessary or proper to prevent contagious or infectious diseases from being introduced within said town, and to preserve the health of the inhabitants. Fifteenth, to punish by fine not exceeding ten dollars, or by imprisonment not exceeding ten days for each offense, any breach of the laws, by-laws or ordinances of the council. Sixteenth, to impose and collect costs and charges against offenders; *Provided*, That in no case shall the cost exceed the costs allowed by law to justices of the peace and constables in similar cases. Seventeenth, to preserve inviolate the Sabbath day and to keep it holy, and punish for any disturbance or any interference with the public worship of Almighty God. Eighteenth, to prevent and punish any indecent exposure of the person and anything pernicious to the morals and good order of society. Nineteenth, to prevent horses from running at large in the public streets and alleys of said town. Twentieth, to prevent and punish malicious mischief done to houses, fences, ornamental shade or fruit trees, signs, sign-posts, monuments, or any other property of any description whatever.

Judges
election.

SEC. 8. *Be it further enacted*, That all elections for intendant and councilmen shall be held on the day hereinbefore designated; under the supervision of any two citizens of the town, to be appointed by the intendant and councilmen; and at such election the marshal shall preserve order and act as returning officer; and the intendant and councilmen shall judge of the legality of all elections, declare who has been elected, and in all

cases of a tie between any two or more persons, shall determine which of such persons shall be intendant or councilmen, as the case may be, only those members voting who are not interested in the result; and the oath of office as herein prescribed shall be administered to the newly elected intendant and councilmen by the retiring intendant, or in case of his re-election by some one of the former board of councilmen.

Oaths by
whom admin-
istered.

SEC. 9. *Be it further enacted*, That should a vacancy occur at any time in the office of intendant or councilmen, during the term for which intendant and councilmen may have been elected or appointed, by death, resignation or absence from the board for the space of three months, or for any other cause, such vacancy shall be filled by appointment by the remaining members of the board.

Vacancies,
how filled.

SEC. 10. *Be it further enacted*, That in all cases where any person shall be convicted of a violation of any law, by-law or ordinance of the town council, and imprisonment is imposed as the punishment of the same, or where any person is ordered to be imprisoned for a contempt of the intendant and council, or for contempts of the intendant, sitting for the trial of offenses, or for any councilman sitting in his stead, such person may be committed to the county jail for the period of imprisonment designated in the sentence, and the jailor of the county is hereby authorized and required to receive such prisoner and him safely keep until the expiration of such period of imprisonment; *Provided*, That the order of committal shall, in every case, specify the offense for which he is committed, and the length of time he is to be imprisoned; *And provided further*, That the corporation shall pay the jail fees in all cases where they cannot be collected of the offender, which fees shall be the same as are allowed by law in other cases.

Imprison-
ment allowed
in certain cases

SEC. 11. *Be it further enacted*, That the marshal of said town shall have authority, and it shall be his duty to execute the laws, by-laws and ordinances of the town council, to arrest, without warrant, all offenders against the peace and good order of the town, and all violators of its laws, by-laws and ordinances, and carry them before the intendant or one of the councilmen sitting in his stead, as hereinafter provided, or before the board of intendant and council, if in session, or confine them for safe keeping in the guard-house or county jail until they

Marshal's du-
ties and pow-
ers.

can be brought before the proper authority ; and if necessary he may call to his assistance any of the citizens of said town to enable him to make the arrest, and any person refusing or neglecting to arrest him when so called upon, shall be fined not exceeding ten dollars, or confined in the county jail or town guard-house for a length of time not exceeding ten hours.

Duty of clerk. SEC. 12. *Be it further enacted*, That the clerk shall be authorized, and he is required, to keep a fair record of the proceedings of the board of intendant and councilmen ; to publish all the laws and ordinances of the said board, in some newspaper published in said town, or to post the same in three several places in said town ; to allow all citizens of said town to inspect the records of said board of intendant and councilmen, and generally to perform all such duties as may appertain to his office, or as he may be ordered to perform by the board of intendant and councilmen.

Duties of treasurer. SEC. 13. *Be it further enacted*, That it shall be the duty of the treasurer of said town to receive and safely keep all the moneys belonging to said corporation, pay out the same on warrant of the intendant, keep books, showing the amount of the receipts and disbursements, and stating the objects for which such disbursements are made ; to publish in some paper published in said town, or to post in some public place, within the corporate limits, a quarterly statement of the amount of receipts and disbursements, specifying each item of expenditure, and the condition of the treasury, and to perform such other duties as the board of intendant and councilmen may require of him ; *Provided*, That the duties of treasurer or of clerk may be combined with and imposed upon any other of the officers herein authorized to be appointed, as may seem proper to the board of intendant and councilmen.

Duties of intendant. SEC. 14. *Be it further enacted*, That it shall be the duty of the intendant to preside at all the meetings of the board of intendant and councilmen, and to preserve order and decorum, and he may call special meetings of the board whenever, in his opinion, it may be necessary, and in his absence, any two councilmen may call a meeting, and any councilman may, in the absence of the intendant, be called to preside at any meeting ; he shall keep an office in said town, open at prescribed hours every day, to attend to, hear and determine all cases of the

breach or violation of the laws, by-laws or ordinances, and in his absence or at his request, one of the councilmen shall attend in his stead to perform said duties, and no councilman shall have power to hear and determine such cases, except in the absence or by the request of the intendant.

SEC. 15. *Be it further enacted*, That the board of intendant and councilmen of the said town shall have ^{Powers of board.} power to take control and management of the public grave-yard, and, if necessary, elect a sexton to superintend the same, and to fix the amount of his salary and emoluments.

SEC. 16. *Be it further enacted*, That an assessment of ^{Assessment of taxes.} all the property in said town, subject to taxation, shall be made annually, naming the owners of the property, if known, or otherwise assessing it to owners not known; and upon failure or refusal of any person to give in his or her property when required to do so, the assessor must proceed to assess from the best knowledge he can obtain; the assessment, when completed, must be returned to the board, who shall cause ten days' notice to be given by advertisement in a newspaper published in the town, or by posting in a public place, of the time and place when the board, or a committee of its members, appointed by the intendant, shall hear complaints and correct errors and mistakes; complaints having been heard and decided, and errors and mistakes corrected, the assessment must be marked "approved" by the intendant or the committee, and delivered to the person appointed to collect the taxes. The assessment so approved shall have the force and effect of a judgment ^{Tax collector.} and execution, and the person appointed to collect such taxes may, in the failure of any person to pay the same, collect the same by levy and sale of the property of the person so failing, or if the owner of the property is unknown, by levy and sale of the property. All sales of personal property under the preceding clause, must be ^{Tax sales.} advertised for ten days in a newspaper published in said town, or posted in a public place in said town; and all sales of real estate must be advertised or posted for thirty days. The advertisements herein provided for must contain a description of the property, the name of the person to whom it is assessed, if known, and the amount of taxes for which it is sold, including the costs of sale and advertising; all sales of property under this

Right of redemption.

act must be had in the town of Tuskegee, in front of the court-house of Macon county, between the hours of twelve m. and four p. m., and continue from day to day until the sale is completed. The person appointed to collect the taxes and make the sale herein provided for, shall give to the purchaser of real estate a certificate of purchase in form similar to those given by the State and county tax collector, and which shall have the same effect. All real estate sold under this act, may be redeemed at any time within two years from the day of sale, by the payment of the amount for which the property was sold, with interest at the rate of ten per cent. per annum, and all taxes and costs which have accrued; or if the purchaser does not reside within the town of Tuskegee, then into the treasury of said town, for the benefit of the purchaser. Infants, married women and lunatics, shall be allowed one year after the removal of their respective disabilities to comply with the requirements herein above specified.

Road duty not required.

SEC. 17. *Be it further enacted*, That no person residing within the limits of the town of Tuskegee shall be required to work upon the public roads beyond the limits of said town.

When to take effect.

SEC. 18. *Be it further enacted*, That this charter shall go into effect from and after its approval.

Term of office.

SEC. 19. *Be it further enacted*, That the present intendant and councilmen of the said town of Tuskegee shall continue to hold their offices, and to exercise the rights, powers and duties of the same, until the next regular election on the first Monday in March, 1870.

Laws ratified.

SEC. 20. *Be it further enacted*, That all the acts of the present board of intendant and councilmen of the said town had and done, and all the laws, by-laws and ordinances passed by them prior to the passage of this act of incorporation, and not inconsistent with the provisions of the same, are hereby ratified and confirmed.

May repair streets, &c.

SEC. 21. *Be it further enacted*, That the city council of the town of Tuskegee, be, and they are hereby authorized and empowered to survey and repair all streets, ways, alleys and lanes, and grade and improve the same as may be deemed proper.

SEC. 22. *Be it further enacted*, That all laws and parts of laws heretofore passed for the incorporation of

the said town of Tuskegee, or relating to the govern- ^{Conflicting}
ment of the same, are hereby repealed. ^{laws repealed.}

Approved, March 1, 1870.

No. 211.]

AN ACT

To regulate the time for holding courts in the second
judicial circuit.

Be it enacted by the General Assembly of Alabama, ^{Terms of}
That the time for holding courts in the second judicial court.
circuit of this State shall be as follows:

In the county of Autauga on the first Mondays in Autauga.
April and October, and may continue two weeks.

In the county of Elmore on the third Mondays in Elmore.
April and October, and may continue two weeks.

In the county of Lowndes on the second Mondays ^{Lowndes.}
after the third Mondays in April and October, and may
continue three weeks.

In the county of Montgomery on the first Monday in ^{Montgomery.}
June and the second Monday in December of each year,
and may continue until the business is disposed of.

SEC. 2. *Be it further enacted,* That all acts and parts ^{Conflicting}
of acts inconsistent with the provisions of this act, are ^{laws repealed.}
hereby repealed.

Approved, March 1, 1870.

No. 212.]

AN ACT

To vest certain lands therein named in the heirs and
widow of the estate of Isaa L. Ward, deceased, late
of Cherokee county.

Be it enacted by the General Assembly of Alabama, ^{Titles vested}
That the legal title to the north-east fourth of the north- ^{in heirs.}
west quarter of section four (4), township twelve (12),
range ten (10), and the north-east quarter of the south-
west quarter of the same township, range and section,
be, and the same is hereby as fully confirmed and vested
in the heirs and widow of Isaac L. Ward, deceased, late
of Cherokee county, as was the same in a deed made to

Proviso.

the said I. L. Ward by John B. Morgan and his wife, Caroline Morgan, which deed was destroyed or misplaced, and cannot be found; *Provided*, That the said deed, made by said Morgan, shall be held to be of force and effect, as fully as if the same had been duly recorded as provided by law.

Approved, March 1, 1870.

No. 213.]

AN ACT

To alter, arrange and designate the county boundary between the counties of Washington and Choctaw, and between the counties of Choctaw and Sumter.

Boundaries
of Choctaw &
Washington.

Be it enacted by the General Assembly of Alabama, That the present line dividing the counties of Choctaw and Washington, running along the line dividing townships 8 and 9, be, and the same is hereby so altered and changed as to run along the township line dividing townships 11 and 12, west of the Tombigbee river, so that townships 9, 10 and 11, west of the Tombigbee river, be, and the same are hereby included in the county of Washington.

Boundaries of
Choctaw and
Sumter.

SEC. 2. Be it further enacted, That the line dividing the counties of Choctaw and Sumter, as at present arranged by law, running along township line, dividing townships 15 and 16, be, and the same is hereby so altered and changed as to run along the township lines dividing townships sixteen and seventeen, so as to include in the county of Choctaw, township sixteen, west of the Tombigbee river.

Boundaries of
Choctaw.

SEC. 3. Be it further enacted, That the boundaries of the county of Choctaw be, and the same are hereby arranged, designated and established as follows, to-wit: To be bounded on the east by the Tombigbee river, on the north by township line dividing townships sixteen and seventeen, on the west by the line dividing the States of Mississippi and Alabama, and on the south by the line dividing townships eleven and twelve.

Conflicting
laws repealed.

SEC. 4. Be it further enacted, That all laws conflicting with the provisions of this act be, and the same are hereby repealed.

SEC. 3. Be it further enacted, That before the fore-

going provisions of this act shall go into effect, the sheriff of Choctaw county shall order an election to be held on the 7th day (1st Tuesday) of June, 1870, in the several voting precincts in Choctaw county, and in said township (16) sixteen in Sumter county, at which election all qualified voters in such boundaries may vote for or against the change proposed by this act. Those voting for the proposed change shall have written or printed on their ballots "change;" and those voting against the proposed change shall have written or printed on their ballots "no change." The returns of such election shall be made to the probate judge of Choctaw county; and if, upon counting out the ballots cast at such election, it shall appear that a majority of the ballots are for the "change," then in that case the foregoing provisions of this act shall be and remain in full force and effect; but if a majority of votes cast at such election are for "no change," then in that case the other provisions of this act shall be null and void.

Ordinances.

Election.

Approved, March 1, 1870.

No. 214.]

AN ACT

To authorize persons holding claims against any railroad company in this State for damages sustained by them on their lands or other property, to transfer said claims.

Be it enacted by the General Assembly of Alabama, That persons holding claims for damages done their lands or other property, by any railroad company, be, and they are hereby authorized to transfer said claims. Claims may be transferred.

SEC. 2. *Be it further enacted,* That the claims mentioned in the first section of this act, shall be, and are hereby made as legal and binding in the hands of purchasers on the party or parties against whom these claims were obtained, as they were in the hands of the original parties. Claims good in hands of purchaser.

Approved, March 1, 1870.

No. 215.]

AN ACT

To incorporate the Troy Hook and Ladder Company,
No. 1, in the town of Troy, in Pike county.

Body corpo-
rate.

Franchises.

Exempt from
certain duties.

General pow-
ers.

Be it enacted by the General Assembly of Alabama,
That the members, their associates and successors, of
the Troy Hook and Ladder Company, No. 1, of the
town of Troy, in Pike county, be, and they are hereby
declared and constituted a body corporate, by the name
and style of the Troy Hook and Ladder Company, No. 1,
and by that name and style, may sue and be sued, may
plead and be impleaded, answer and be answered, in any
court of law or equity; may have, hold, possess and enjoy
goods and chattles, lands and tenements, of the value of
twenty thousand dollars, and may sell or transfer the
same at pleasure, may have a company seal, and the
same alter or remove at pleasure, and may make such
by-laws, rules and regulations for the proper organiza-
tion and good government of the company, not incon-
sistent with the constitution and laws of the United
States and the State of Alabama, as they may deem
proper, and may alter or change the same at pleasure.

SEC. 2. *Be it further enacted,* That the members of
said company and body corporate, be, and they are here-
by exempt from jury, and militia, and road duty.

SEC. 3. *Be it further enacted,* That said company shall
be allowed to exercise [and] enjoy all legitimate privi-
leges belonging to fire companies generally.

Approved, March 1, 1870.

No. 216.]

AN ACT

To appoint the time of holding the chancery court for
the county of Clarke.

Be it enacted by the General Assembly of Alabama,
Term of court. That the chancery court for the county of Clarke shall
be held on the third Monday in May, and the first Mon-
day in October in each year.

Approved, March 1, 1870.

No. 217.]

AN ACT

To establish an election precinct in the county of Lee;
to be known as Whitten's Shop.

Be it enacted by the General Assembly of Alabama,
That in all general and special elections to be holden
in the county of Lee after the passage of this act, it shall be the duty of the court of county commissioners
to order that a box be opened at Whitten's shop, in said
county.' Precinct.

Approved, March 1, 1870.

No. 218.]

AN ACT

To amend an act approved 26th January, 1858, entitled
"An act to incorporate the schools of Loachapoka,
in Macon county."

Be it enacted by the General Assembly of Alabama,
That an act approved January 26th, 1858, which is as
follows: "No. 108. An act to incorporate the schools
of Loachapoka in Macon county. Section 1. Be it enacted
by the Senate and House of Representatives of the State
of Alabama in General Assembly convened, That O. D. Cox,
L. B. Stroud, Wm. Ellis, James Wooten and H. T. Crowder,
and their successors in office be, and they are hereby declared
to be a corporate body by the name and style of the 'Trustees
of Loachapoka Schools,' and by that name may sue and be sued,
plead and be impleaded, may own real or personal property
or both, for the use and benefit of said schools, not to exceed
in value the sum of ten thousand dollars, and may adopt such
by-laws as may be necessary for the regulations of the schools
and the body corporate; *Provided*, That none of their provisions
conflict with the constitution and laws of this State and the
United States." Act recited.

"SEC. 2. *Be it further enacted*, That from and after the
passage of this act, it shall not be lawful for any person
to sell any spirituous or intoxicating liquors in any quantity
less than one gallon any distance within two miles of said
academies, and any person or persons so

offending, upon conviction thereof, in the circuit court of Macon county, shall be fined in the sum of five hundred dollars, one-half to be paid into the county treasury and the other half into the treasury of said schools for the use and benefit thereof.

Amendment.

Corporators.

Franchisees.

Sale of spirituous liquors prohibited.

"**SEC. 3.** *Be it further enacted,* That no provisions of this act shall be so construed or applied so as to prohibit regular physicians from the purchase of ardent spirits for medical purposes in any quantity, approved January 26th, 1858," be and the same is hereby amended by striking out the word "Macon," in the caption, and insert in lieu thereof the word "Lee," so as to make it read "To incorporate the Schools of Loachapoka, in Lee county," and that the first section of said bill be so amended as to read as follows: "That L. B. Stroud, John Turkame, William Ellis, and their successors in office, be and they are hereby declared to be a body corporate, by the name and style of the 'Trustees of Loachapoka Schools,' and by that name may sue and be sued, plead and be impleaded, may own real or personal property, or both, for the use and benefit of said schools, not to exceed in value the sum of ten thousand dollars, and shall have the power to sell and exchange and convey said property in such manner as they shall deem most beneficial for the interest of said schools, and may adopt such by-laws as they may deem necessary for the regulations of said schools and the body corporate, such by-laws not to conflict with the constitution and laws of this State or of the United States.

SEC. 4. *Be it further enacted,* That the second section of the said act is hereby amended to read as follows: That from and after the passage of this act it shall not be lawful for any person or persons to sell any spirituous or intoxicating liquors in any quantity less than one quart within any distance within two miles of said academy or schools under the control of said trustees, and any person or persons so offending, upon conviction thereof in the circuit court of Lee county, shall be fined in the sum of five hundred dollars, one-half thereof to be paid into the county treasury and the other half to the trustees of Loachapoka schools, for the use and benefit of said schools.

SEC. 5. *Be it further enacted*, That the third section of the said [act] be and the same is hereby repealed, Sec. 3 repealed
 Approved, March 1, 1870.

No. 219.]

AN ACT

To incorporate the town of Linden, in Marengo county.

Be it enacted by the General Assembly of Alabama, Town incor-
 That the town of Linden, in the county of Marengo, be, porated.
 and the same is hereby incorporated, and that all the
 territory lying in the south-east quarter, and the south
 half of north-east quarter, of section thirty-two, and all
 the west half of the south-west quarter of section thirty- Corporate
 three, in township sixteen, range three, east, is hereby limits.
 declared to be within the limits of said corporation.

SEC. 2. *Be it further enacted*, That on the first Mon- Elections.
 day in March, A. D. 1870, and on the first Monday in
 January, in every succeeding year, there shall be an
 election held at some public place in said town, for one
 intendant and four councilmen for said town, who shall Qualifications
 hold their offices until their successors are elected and of voters.
 qualified. At said election all the resident voters within
 the limits of said corporation [shall] be entitled to vote
 who have resided in said town ten days.

SEC. 3. *Be it further enacted*, That the election di- Judges of
 rected to be held by the preceding section shall be held elections.
 by two freeholders or householders, to be appointed by
 the intendant of said town, who shall conduct said elec-
 tion in the same manner as other general elections in
 said State, and make returns to the intendant and coun-
 cilmen, who shall give a certificate of election to those
 having the highest number of votes.

SEC. 4. *Be it further enacted*, That it shall be the duty Duty of in-
 of the intendant, when present, to preside at all the tendant.
 meetings of the board, to preserve order, to enforce the
 laws of the corporation, but a majority of the board
 shall be competent to transact business, and the said Style of corp-
 board is hereby declared to be a body politic and corpo- poration.
 rate, by the name of "The Intendant and Councilmen
 of Linden," and by that name shall have and enjoy all
 rights, powers and privileges, and be subject to all the
 liabilities that are incident to bodies corporate.

Powers of board. SEC. 5. *Be it further enacted*, That the said board shall have full and complete power to make all laws and ordinances of whatever kind and upon whatever subjects to them may seem right and proper for the good government of said town, not in conflict with the constitution and laws of the State of Alabama, or of the United States; may levy and collect taxes to defray the expenses of the corporation, not exceeding the county tax on the same kind of property, may affix such fines, not exceeding twenty dollars, and imprisonment in the county jail, not exceeding twenty-four hours, for any violation of the laws of said corporation.

Judicial powers of intendant. SEC. 6. *Be it further enacted*, That the intendant of said town shall be *ex-officio* justice of the peace for all purposes, and may exercise all the powers, and shall be subject to the same duties and liabilities of justice of the peace of the county of Marengo, and shall be entitled to receive for all services, touching the violation of any of the laws of said corporation, double the fees, and in other cases the same fees as are now allowed by law to justices of the peace, and for extra services, such compensation as the board of councilmen may allow, not exceeding one hundred dollars per annum.

Vacancy, how filled. SEC. 7. *Be it further enacted*, That said board shall have power to supply all vacancies in their body, between the elections; to appoint a treasurer, marshal, and such other officers as they may require, and affix such fees and regulations thereto as they may deem necessary and proper.

Oath. SEC. 8. *Be it further enacted*, That the intendant and councilmen of said town shall, before entering upon the discharge of their duties, take an oath faithfully and impartially, without fear, favor or affection, to discharge the same, together with the oath of office required by the constitution of this State, which shall be administered by the judge of probate or any justice of the peace, or by the intendant of said town, and filed in the office of the judge of probate of Marengo county.

May open and repair streets. SEC. 9. *Be it further enacted*, That said intendant and councilmen shall have the power to open and keep open any and all streets now in said town, or any new ones; or to extend any now open to the corporate limits of said town, and any damage to private individuals shall be assessed by three disinterested freeholders of said

town, to be selected by the town and the party aggrieved, and the damages shall be paid by said corporation.

SEC. 10. *Be it further enacted*, That at the first election herein provided for, the sheriff of said county shall advertise it and hold and conduct the same by appointing two freeholders or householders to conduct the same. Notice of election.

Approved, March 1, 1870.

No. 220.]

AN ACT

To apply and extend the law of garnishment to causes in chancery.

Be it enacted by the General Assembly of Alabama, That in all causes in a court of chancery, where the suit is for a money demand, and upon all decrees in said court, upon which execution can issue, the writ of garnishment may be issued by the register. Garnishment may issue.

SEC. 2. *Be it further enacted*, That the register, before issuing any such writ, shall require the party applying therefor to make affidavit and give bond, one or both, as the case may be, and to do all other things required by law to be done, in order to obtain a writ of garnishment in the circuit court. Party to make affidavit. Bond.

SEC. 3. *Be it further enacted*, That garnishments from the court of chancery shall be governed by the law regulating garnishments from the circuit court, as far as the same may be applicable. Law of garnishment.

Approved, March 1, 1870.

No. 221.]

AN ACT

To incorporate the town of Mooresville, in the county of Limestone.

Be it enacted by the General Assembly of Alabama, That the town of Mooresville, in the county of Limestone, be and the same is hereby incorporated, and the corporation limits of said town embrace a quarter of a mile, east, west, north and south from the centre, and Town incorporated. Corporate limits.

the Cumberland church, where it now stands, be the centre of the same.

Elections.

SEC. 2. *Be it further enacted*, That on the second Monday in March, A. D., one thousand eight hundred and seventy, and on the same day in each and every year thereafter, an election for mayor and four aldermen, who shall be resident housekeepers or freeholders, shall be held by the qualified electors at some convenient and public place in said town, who shall serve for the term of one year thereafter, and until their successors are elected and qualified. The said mayor and aldermen shall be and they are hereby constituted a body corporate, by the name and style of the "Corporate Authorities of the Town of Mooresville," and by that name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits, either in law or equity; also, to have and keep a common seal, or to break or change the same at pleasure; to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of one hundred thousand dollars, and in general to do all acts incident to bodies corporate.

Name.

Franchises.

Powers and
duty of mayor

SEC. 3. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at all meetings of the aldermen, and in case of his absence or incapacity any one of the aldermen may be chosen to preside. The mayor shall be invested with the jurisdiction and power, and shall perform the duties of justice of the peace in Limestone county, and shall be subject to the same penalties and liabilities.

Powers of
corporation.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to ordain and pass all such ordinances, by-laws and resolutions, and make all such regulations as may by them be deemed necessary for the good government of said town, which may extend to the preservation of health; to prevent and remove nuisances; to license, tax and restrain theatrical amusements, shows, and amusements of all kinds whatsoever within said corporation; to restrain and prohibit every species of gambling, drunkenness, profane swearing, all obscene language, assaults and batteries, and all other breaches of the peace; to appoint night watches, patrols, when necessary; to clean and keep in repair the streets of said town, and prohibit trespasses on the same;

to collect taxes on all property, both real and personal, within said corporation, for the purpose of defraying the expenses of the same; to grant licenses for the sale of spirituous liquors and vinous liquors, and regulate and restrain them when deemed a nuisance; to grant license to and tax merchants, auctioneers, and levy the same tax on itinerant or transient merchants who remain in said corporation less than one year, as is levied on permanent merchants, which tax shall be sued for and collected at any time the corporation may direct; to prevent the introduction of contagious and infectious diseases within the town, and to restrain and prohibit all meetings of disorderly persons, and in general to pass such by-laws, not contrary to the constitution of the State and the laws thereof, as are necessary to carry out the intent and meaning of this act, and to execute, revoke or alter the same. The said corporate authorities shall have power to appoint a treasurer, assessor, marshal and such other subordinate officers as they may think necessary, and by ordinance require security from the several officers so appointed, and annex such to the several officers so appointed, not exceeding fifty dollars per month, as they shall deem expedient; they are also empowered to impose such fine or fines, not exceeding fifty dollars, for any breach of their by-laws as they may deem proper; and all fines by them imposed shall be sued for before any justice of the peace, and the money so recovered shall be paid to the treasurer for the benefit of said town.

SEC. 5. *Be it further enacted*, That where a fine shall be imposed upon any person or persons for any breach of the peace, of the ordinances or by-laws of said town, the mayor or any member of the board of aldermen shall immediately issue a warrant to the marshal requiring him to detain such offender in custody until the fine or fines and costs imposed on him are paid, which warrant shall be the only authority required of the marshal by the jailor. Offenders ;
how dealt with

SEC. 6. *Be it further enacted*, That the marshal appointed under the provisions of this act shall give a bond with approved and sufficient security in such an amount as shall be determined by the corporate authorities for the faithful performance of his duties, which bond shall be filed in the office of the clerk of the circuit court of Limestone county; the said marshal shall Duties of marshal.

exercise the powers, discharge the duties, and be subject to the liabilities of any constable in said county.

Imprisonment of offenders. SEC. 7. *Be it further enacted*, That the marshal shall deliver any person convicted of offenses against the ordinances and by-laws of the town of Mooresville to the keeper of the calaboose, and the said keeper is required to receive and keep such offender in custody until he receives from the mayor, or one of the aldermen, a certificate of the payment of the fine and costs in default of which he was committed.

Vacancies how filled. SEC. 8. *Be it further enacted*, That when vacancies occur in the board of aldermen by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added shall continue in office until the ensuing annual election.

Officers to be elected. SEC. 9. *Be it further enacted*, That in every election to be holden by the qualified electors of the town of Mooresville for mayor and aldermen, there shall be elected a mayor and four aldermen, the person receiving the highest number of votes for mayor shall be declared elected, and the four persons receiving the highest number of votes for aldermen shall be declared elected. Notice of such election shall be published at least ten days next preceding the day of election, and the said election shall be conducted by three inspectors, appointed by the corporate authorities, and should the election not take place on the day fixed for the annual election for mayor and aldermen, it shall be the duty of the corporate authorities to fix some other day as early as convenient within one month thereafter, on which day an election shall be held for mayor and aldermen, as prescribed in this section.

In case of vacancy of mayor. SEC. 10. *Be it further enacted*, That in case of the vacancy in the office of mayor, it shall be the duty of the aldermen to order an election at as early a day as convenient, within one month, to fill said vacancy, said election to be holden as prescribed in the preceding section.

Oath. SEC. 11. *Be it further enacted*, That the mayor and aldermen elected under the provisions of this act shall, severally, before entering upon their official duties, take the oath of office prescribed by the constitution of the State of Alabama, before some person qualified to administer the same, which oath shall be filed in the office of the judge of probate of Limestone county.

SEC. 12. *Be it further enacted*, That the corporate authorities of the town of Mooresville shall appoint a Clerk, clerk, whose duty it shall be to keep a record of their proceedings, and publish the same, and all ordinances and by-laws in three public places in said town.

SEC. 13. *Be it further enacted*, That this act, and all By-laws subject to will of the ordinances and by-laws of said corporation, shall at General Assembly all times be subject to revision or repeal by the General Assembly.

SEC. 14. *Be it further enacted*, That all laws or parts Conflicting laws repealed. of laws contravening the provisions of this act be, and the same are hereby repealed. All lands within the corporation limits, over two acres to each improvement or Lands exempt from taxation. lot, be exempt from taxation.

Approved, March 1, 1870.

No. 222.]

AN ACT

To constitute Clementine C. Constantine, of Greene county, a free dealer.

Be it enacted by the General Assembly of Alabama, That Mrs. Clementine C. Constantine, wife of Dr. Francis L. Constantine, of Greene county, be and she Free dealer. is hereby declared a free dealer, and shall be subject to sue and be sued, to plead and be impleaded, in all the courts of this State, any law to the contrary notwithstanding, and to have and hold property, and convey the same as if she were a *femme sole*.

SEC. 2. *Be it further enacted*, That the provisions of Judith Scott. this act are hereby extended to Mrs. Judith Scott, wife of Robert T. Scott, of Jackson county.

Approved, March 1, 1870.

No. 223.]

AN ACT

To amend section 1064 of the Revised Code.

Be it enacted by the General Assembly of Alabama, That section 1064, which is in the following language, Section 1064 to-wit: "The annual salaries of resident officers of the recited.

hospital, together with the actual costs of boarding, lodging and clothing, and indigent or criminal patients, who have been received upon order of any court or judge, shall be paid quarterly on the last days of September, December, March and June, by draft drawn on the comptroller of public accounts by the treasurer of the hospital, countersigned by the superintendent of the hospital," be amended by adding the following provisions, to-wit: *Provided*, That the amount drawn shall be for actual expenses incurred, which shall be sworn to by the bookkeeper or hospital steward, and certified correct by the superintendent of said hospital, for the quarter next preceding such certificate; *Provided, further*, That the superintendent and treasurer are hereby authorized and directed to make full settlement with the auditor of public accounts, for all moneys received to the first day of January, 1870, and the auditor is hereby authorized to draw his warrant upon the treasurer for an amount sufficient to defray the expenses of said hospital for the first quarter of the year 1870, not to exceed ten thousand dollars; *Provided*, That in rendering account at the expiration of each quarter, the said superintendent and treasurer shall make full exhibit, with vouchers, of the expenditure of current quarter and balance on hand at the date of draft, for actual expenses as provided in the first proviso of this act.

Approved, March 1, 1870.

No. 224.]

AN ACT

Authorizing the commissioners court of roads and revenue in the counties of Elmore and Autauga to pay solicitors of said counties salaries in lieu of fees.

Be it enacted by the General Assembly of Alabama, That the commissioners court of roads and revenues in the counties of Elmore and Autauga, be and are hereby authorized to provide such salary as they may deem expedient, not to exceed five hundred dollars, to be paid to the solicitors in each of said counties in lieu of all fees that may acerue to them in the performance of the du-

ties of their office ; *Provided*, That all fees hereafter due said solicitors shall be paid into the county treasury.

Approved, March 1, 1870.

No. 225,]

AN ACT

To establish a new charter for the city of Talladega, and to repeal all acts in contravention therew.th.

Be it enacted by the General Assembly of Alabama, Corporation continued.
That the inhabitants of Talladega, in the county of Talladega, and State of Alabama, shall be, and continue a body politic and corporate, by the name of the mayor and aldermen of the city of Talladega, and by their corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold property, Franchises.
real, personal and mixed, and dispose of the same for the benefit of said city ; and may have and use a city seal, which may be broken and altered at pleasure.

SEC. 2. *Be it further enacted*, That the said city of Talladega shall be divided into four wards by the said mayor and aldermen, which they may alter and change as they may deem necessary. To be divided into 4 wards.

SEC. 3. *Be it further enacted*, That the government of said corporation shall consist of, and its corporate powers may be exercised by a mayor and aldermen, consisting of eight in number, who shall be elected on the Tuesday after the first Monday in April, A. D. 1870, and annually thereafter, on the Tuesday after the first Monday in April of each year by ballot by the male inhabitants of said city, of or over the age of twenty-one, who have resided therein for six months next preceding such election. Such election shall be held by and under the direction of the sheriff of Talladega county, at the court house in the city of Talladega, and such additional voting places as the board of mayor and aldermen may, if they deem it expedient, by ordinance prescribe. Said sheriff shall give ten days' notice of said election, by publication in the official newspaper published in said city, and shall appoint three inspectors and one returning officer for each voting place, and he shall conduct said election in such manner as are elec- Government.
Election of officers.
Qualification of electors.
Election ; how held.
Notice.
Inspectors.

- tions for the General Assembly. The inspectors at each voting place shall certify to the result at each poll, and each returning officer shall make return of his poll to the sheriff, who shall declare the election, giving the casting vote, if any two or more shall have an equal number of votes, and shall give the persons elected a certificate of election. The persons so elected shall enter upon the discharge of the duties of their respective office, take before the judge of the probate court, or the clerk of the circuit court for Talladega county, an oath to discharge without favor or partiality, the duties of mayor or aldermen, (as the case may be,) of the city of Talladega, of which a record shall be kept in the office of the said probate or circuit court. The said mayor or aldermen shall continue in office for twelve months from the date of their election, and until their successors are qualified. As soon as elections and notices thereof may be held therefor, if from any cause said elections shall not be held in any year on said Tuesday after the first Monday in April, the said sheriff shall, as soon as practicable, appoint another day for holding such election, not more than thirty days from and after such regular day, of which he shall give the like notice, and on the day so appointed, shall open and hold such election in the manner above provided; and if from the neglect or failure of the sheriff, or from any other cause, an election for mayor and aldermen shall not be held on the regular day therefor, nor within thirty days thereafter, as above provided, then the mayor of the city shall appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice; and on the day so appointed, shall hold said election in the same manner as is above provided; and for the purpose of holding and completing such election, the mayor shall be invested with all the powers, and subject to all the duties of the sheriff as above set forth.
- SEC. 4.** *Be it further enacted,* That no person shall hold the office of mayor or alderman of said city who has not resided therein for one year next preceding the election, and the aldermen must be residents, at the time of the election, of the ward for which they are elected.
- SEC. 5.** *Be it further enacted,* That the ballots cast at any election held under this act shall, after being counted, be carefully sealed up by the inspectors and deposited by them with the city clerk, who shall preserve the
- Returns.
- Casting vote.
- Oath of office.
- Term of office.
- In case of failure of elections.
- Qualifications of mayor and aldermen.
- Ballots, how disposed of.

same for twenty days after the result of said election is declared, and then, if there be no contest, the same city clerk shall cause the same to be burned in his presence and that of the mayor, but in the event of a contest, they shall be delivered to the judge trying the same.

SEC. 6. *Be it further enacted*, That any election held under this act may be contested in the same manner, as ^{In case of contested elections.} is or may be provided by the laws of the State of Alabama for contesting the elections of a probate judge, and all the provisions of such laws in relation to the contesting the election of a probate judge shall, so far as the same are or may be applicable, apply to contests of any election held under this act.

SEC. 7. *Be it further enacted*, That if the mayor or any alderman, during his term of office, and after qualifying, shall die, resign, remove from the corporation, or from the ward in which he was elected, refuse to act, or be permanently disabled from acting, the remaining members of the board shall, by ballot, elect in his stead another mayor or alderman, who shall have the qualifications prescribed in the fourth section of this act, shall continue in office during the remainder of the term, and until his successor is elected and qualified. And if any person elected mayor or alderman by the qualified voters of the city at any election held under this act, shall refuse to qualify, the said sheriff shall, after giving ten days' notice by advertisement in one of the official newspapers published in said city, hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular annual election for mayor and councilmen. ^{In case of death or disqualification.}

SEC. 8. *Be it further enacted*, That the aldermen shall be judges of the election and qualifications of the ^{Judges of election.} mayor, and remaining aldermen shall be judges of the qualifications of aldermen.

SEC. 9. *Be it further enacted*, That the board of mayor, and aldermen may, if they deem it expedient, provide for the registration of the persons entitled to vote at the municipal election held under this act, which registration shall be made at such times and under such rules and regulations as the board may prescribe. The provisions of sections 12, 13 and 14 of "An act to Provide for the Registration of Electors," approved October 5, 1868, shall not apply to municipal elections held under this act. ^{Registration of electors.}

Quorum.

Special meetings.

In case of temporary absence.

Powers of mayor.

Process, how executed.

SEC. 10. *Be it further enacted*, That a majority of the mayor and aldermen shall constitute a quorum for the transaction of business. The board of mayor and aldermen shall fix their own sessions, and special meetings of the board may be called by the mayor at his own option, or any two of the aldermen. In case of the sickness or temporary absence of the mayor, the aldermen may appoint one of their own members to act as mayor during such sickness or absence of the mayor; and such mayor *pro tempore* shall exercise all the powers, and perform all the duties of the mayor; but the mayor shall not vacate his office by reason of any temporary absence from the city or State.

SEC. 11. *Be it further enacted*, That the mayor shall possess, within the corporate limits, all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases, shall be entitled to the fees which are or may be by law allowed to justices of the peace, and his signature or act as mayor in such cases, shall be of equal force as if done by him expressly as a justice; the party desiring it may take an appeal or *certiorari* to the circuit court for the county of Talladega, under such rules and regulations as are or may be prescribed by the laws of the State, for *certiorari* from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions or other proceedings for violation of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion, *scire facias* or other suit, any penal bonds payable to the mayor, or to the mayor and aldermen, taken under this act or the ordinances of this corporation, including proceedings and suits against the officers of the corporation and the sureties on their official bonds, for non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office. And upon the judgment of the mayor, in any case in any branch of his jurisdiction, as mayor or as justice, execution or appropriate process may be issued by the clerk of the corporation, directed to and to be executed by the marshal, which have the force and effect of an execution or appropriate process, as the case may be, from any of the circuit courts of this State, and shall be executed by

the marshal in the same manner as executions or other process, as the case may be, for such circuit courts. And from any judgment or decision of the mayor, as such, the party desiring it may take an appeal to the circuit court of Talladega county, on giving bond with two sufficient sureties, to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit or city court may render in the premises; but unless said appeal bond be given within five (5) days from the date of said judgment or decision, then no appeal shall be allowed from the same. The proceedings in such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace.

Appeals.

SEC. 12. *Be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation are duly executed. He shall hold a court as often as it shall be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend, from time to time, in writing, such alterations in the laws of the corporation, or measures for its good government or interests, as he may deem necessary and proper; he may, in case of the disturbance of the peace, or invasion or insurrection, or whenever, in his opinion, the peace and security of the city require it, call on the sheriff of the county for aid in preserving the peace, by the use of all the means which the law confers on the sheriff as a peace officer; and the mayor may also call in the volunteer and militia companies in the city for its defence; he shall preside at all meetings of the board when present; he shall perform all other duties as the board may prescribe, and shall have authority, while holding his court, to punish any contempt of his court by fine and imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

Duty of mayor

SEC. 13. *Be it further enacted*, That the mayor and aldermen shall have power to appoint a city marshal, clerk, treasurer, collector of taxes, assessor, such other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may

Appointment of officers.

Duties to be prescribed. be deemed proper for the good government of the city; to prescribe their duties, liabilities and powers; to require of them bond with such amounts as may be deemed expedient, for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time, any or all of such officers or agents, a majority of the board concurring in such removal; and to fix and regulate from time to time the compensation or salaries of all the officers of the corporation, including that of the mayor; but no increase in the salary or compensation of the mayor shall take effect during the term of office in which said increase is made.

Bonds required.

Compensations.

Tenure of office. The officers of the corporation shall continue in office, (unless removed,) until next annual election of mayor and aldermen, and until their successors are qualified; but the board may repeal, alter or amend the ordinances creating or employing said officers or agents, or regulate their duties or compensation, and may fill all vacancies that may occur in said offices.

Bonds of officers. The clerk, assessor, collector, treasurer and marshal, and all such other officers as the board may require to give bond, shall, before entering upon the duties of their office, give bond with sufficient security, to be approved by the board, payable to the mayor and aldermen in such penalty as may be prescribed by the board, with condition to discharge faithfully all the duties of such office, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the mayor and aldermen, for the use of corporation, or the person injured, and said bond shall remain for the breaches of its condition. And the mayor and councilmen may provide summary remedies, by motion or otherwise, before the mayor, against the officers of the corporation and their sureties, for any official default or neglect.

Records of proceedings by city to clerk SEC. 14. *Be it further enacted,* That the city clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; and a copy therefrom, certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere; and said record shall at all times be open for inspection. The clerk shall also keep a docket of all causes instituted before the mayor, and noting and endorsing the orders, judgments, &c., therein, and the dates of the issuance

and delivery of original and final process, to whom delivered, and the return thereon or the substance thereof; and in another book he shall keep a record or minute of the orders, judgments, &c., in all causes before the mayor as such. He shall keep a separate docket or minute book of the cause instituted before the mayor as a justice of the peace, which shall be kept in the same manner as before provided in reference to the causes before the mayor as justice of the peace, which shall be kept in the same manner as above provided in reference to the causes before the mayor as such, and the said clerk shall make full indexes, direct and reverse, for all the said books, and he shall keep and preserve a regular file, as well as the papers in all suits or causes before the mayor as such, or as a justice of the peace, as all other papers belonging to the board; and the said dockets, records, indexes and files shall be open for the public inspection under such rules and regulations as the board may prescribe, and the said clerk shall perform all such other duties as the board direct.

SEC. 15. *Be it further enacted*, That the city marshal shall have and possess, within the corporate limits, all the powers and rights of constables under the laws of the State, and shall be entitled to the same fees for like services. He shall possess within said limits, preserving the peace and making arrests, all the powers of a sheriff as a peace officer. He shall execute the orders, notices and processes of the board to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities which they may provide. The mayor and aldermen may allow to the marshal such salary or compensation, in addition to the specified fees to which he may be entitled, as they deem proper, and in all cases when the marshal is a party to any suit or proceeding before the mayor, he shall appoint some person to act as special marshal.

Powers and
duties of mar-
shal.

SEC. 16. *Be it further enacted*, That the said mayor and aldermen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the city, and provide places for the reception of the sick; to erect a hospital, house of correction, calaboose or jail, city hall and any other building or work necessary

Powers of
mayor and al-
dermen.

or expedient for the use of the city, or joined with the county of Talladega in any such erections by contracts made with the proper authorities of the county, or to acquire by contract, lease or purchase, or in any other way, the use of houses or buildings for any purpose necessary or convenient for said city; to erect lamps; to establish night watches and patrols; to license and regulate retailing of liquors within the corporate limits, and to provide for annulling and revoking such licenses on good cause being shown; to close up retail establishments for such times as they may deem necessary; to prevent the retailing of spirituous liquors within the corporate limits, whenever they deem it expedient; to erect and repair bridges; to construct dams and sewers, and keep them in repair; to establish fire wards and fire companies, and provide for the prevention and extinguishment of fires; to regulate partition fences, and to determine by whom they shall be kept in repair; to prohibit and dispense all unlawful and disorderly assemblages; to license and regulate hawkers and peddlers, and for good cause annul their license; to license, restrain and regulate theatrical and other exhibitions, shows for money of whatever character, kind or name; and also lectures and concerts for pay, except lectures and concerts for charitable purposes; to license and regulate hackney coaches, hacks, carriages, wagons, carts and drays running for hire, within the corporate limits; to license and regulate pawn-brokers, auctioneers, commission merchants, dry goods and grocery merchants, and keepers of hotels, eating houses, livery and sale stables, (lager beer and ale excepted and not be taxed); billiard rooms, billiard tables, ten-pin alleys, and stores or shops for the sale of any goods, provisions, drugs, or any other commodity or article whatever; to fix the prices of or taxes on all licenses granted by the corporation, and to enforce the collection of the same; to restrain and prohibit gambling and gaming houses and houses of ill-fame; to establish and regulate markets; to rent out stalls in the same, and to prohibit the sale of meat, poultry, fish or game, except at the public market or markets; to preserve, manage and regulate all burying grounds or cemeteries belonging to the corporation, and to remove them, and to establish, regulate and manage new ones; to sink and keep in repair public wells; to erect and repair

pumps; to prevent and punish violations of the Sabbath; to cause to be taken from time to time a census of said city; to keep in repair the streets and alleys and avenues of said city; to discontinue and close them when expedient; to widen or change their direction, and to open new ones; to require the fencing or enclosing of any vacant lots in said city at the expense of the owner or otherwise; to regulate weights and measures; to erect public scale houses, and to appoint weighers and measurers; to purchase all such real estate and personal property as may be deemed necessary and proper for the use and improvement of the city, and to provide for payment for the same; to pave, gravel and macadamize or otherwise improve any street or part thereof; to provide the means thereof (if deemed expedient and proper) by assessment on the owners of property to be benefitted thereby, or by assessment on the property to be thus benefitted, and prohibit the erection of wooden buildings within such limits as they may deem expedient; to provide for the removal of such buildings already erected within such limits at the expense of the city, and on making just compensation to the owner; to establish a jail for the imprisonment of offenders, or a guard-house therefor, against the laws of the corporation; to enact ordinances, giving to the lesser or renter of any dwelling house, store-house, shop or any other building or real estate whatever within said city, a lien upon all or any part of the property of whatever kind or character contained thereon, and belonging to the lessee or person renting, to secure and pay the rent and prevent the removal of the same until the rent is paid, and to give the mayor jurisdiction to enforce said lien by attachment or other summary proceeding, reserving the right of appeal from judgment to the circuit court, as in the case of other judgments rendered by him; to establish and regulate a free public school or schools for the tuition of children residing in the corporation, and to employ teachers for the same at suitable salary; to prohibit riots, affrays, assaults and batteries, and all other breaches of the peace and misdemeanors; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets, or other work of the city, of any breach of the laws, by-laws, ordinances of the corporation; but no fine shall exceed fifty dollars, and no im-

prisonment of work on the streets, or other works of the city shall exceed thirty days; and to provide, in case when fine and costs are not paid by the party convicted, that the party so in default shall work out such fine and costs under their direction; *Provided*, The time for such work shall not exceed fifteen days; and to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be for good government of the city, not contrary to the constitution and by-laws of the State, or to restrictions in this act expressed.

PRESERVATION OF ORDER. SEC. 17. *Be it further enacted*, That the mayor and aldermen shall have authority to cause all vagrants, or idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging or drunk in or about the streets, or who can show no reasonable course of business or employment in the city; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behavior publicly on or in the streets; and all prostitutes, or such as lead notoriously a lewd, lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined at labor for a limited time, not exceeding three days in any one month, unless such security shall be sooner given, which said labor shall be such as may be designated by the mayor and aldermen for the benefit of the city; and if such persons shall be found afterwards so offending, such security may be again required, and in want thereof like proceedings may be had, from time to time, as often as may be necessary in each and every month.

OPENING OF STREETS. SEC. 18. *Be it further enacted*, That whenever it is deemed expedient by the mayor and aldermen to widen [or] extend a street, lane or alley, the mayor shall summon twelve freeholders, inhabitants of the city, not directly interested in the lands or lots through which such street, lane or alley is to be widened, extended or opened, who being first sworn by the mayor to assess and value what damages would be sustained by the owner of said lots or lands, by reason of the widening, extending or opening of such street, lane or alley as

proposed, taking into consideration the benefits to such lots or lands resulting therefrom, shall assess such damages, which assessment may be made by the vote of a majority of said freeholders, and must be reduced to writing, subscribed by a majority of such freeholders, and delivered to the city clerk, who must record the same; and before such street, lane or alley shall be opened, widened or extended, the damages so assessed to the parties entitled thereto; notice of the time and place of such assessment shall be given for such a time and in such a manner as the board may by ordinance provide; *Provided, however,* That when the widening, extending, improvement or opening of a street, lane or alley will be of benefit to the owners of lots or lands on or through which or adjacent to which the same is widened, extended, improved or opened, the mayor and aldermen may provide the means therefor by assessment on the owners of such lots or lands to be benefitted thereby, or assessment on the owners of such lots or lands to be thus benefitted, and may enforce and collect such assessment as other taxes; and for the purpose of carrying the provisions of this section out, the board may adopt such rules and regulations on the subject not inconsistent herewith, as they may deem expedient, and either party may appeal from any assessment made under the provisions of this section to the circuit court of Talladega county, within ten days from the making of such assessment, under the rules and regulations governing appeals from the judgments and decisions of the mayor. But in case the appeal is taken by the corporation, the appeal bond must be approved by the clerk of the circuit court.

SEC. 19. *Be it further enacted,* That the said mayor and aldermen shall have authority to levy taxes on the real and personal estate within said city, except such as Taxes and licenses. is or may be exempt from taxation under the laws of the State or the United States; on auction sales, and sales on merchandise, on capital employment, in business in said city, or incomes of persons resident therein, on itinerant or other transient persons, merchants or traders, on any business, profession, trade or calling, carried on in the said city, and on all other subjects of taxation within said city, on which State and county taxes are now levied, or on which may hereafter by law be levied State

taxes; *Provided, however,* That no tax shall be levied upon sales under judicial proceedings, or by executors or administrators, or guardians, under deed of trust or mortgage for security or payment of debts, nor on lager beer or on ale or malt liquors.

Limitation
of tax.

SEC. 20. *Be it further enacted,* That the said tax on real and personal estate shall not, in any one year, exceed one-fourth of one per centum on the value of such property, and shall be levied according to assessment and valuation of the property taxed, made by the assessor under such rules and regulations as the board may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to revise and correct as they may deem just and proper in making assessments; the rule of assessment shall be the least value of the property assessed.

Street tax.

Proviso.

SEC. 21. *Be it further enacted,* That the said mayor and aldermen shall have authority to assess and collect annually on each male inhabitant between the ages of twenty-one and forty-five years of age, a special tax of not exceeding two dollars and fifty cents as a street tax; *Provided,* That any person liable for such street tax may relieve himself of the same by working on the streets of said city ten days, under the direction and control of the street superintendent or other officer appointed by the board for the purpose, and the board may provide such penalty for the failure to pay tax on said street tax as is provided by law for failure to pay State tax. The inhabitants of said city are exempt from working on the roads and highways out of the city.

Application
of taxes.

Proviso.

SEC. 22. *Be it further enacted,* That the tax levied on the real and personal estate lying and being in those parts of said city, known as the parts which have been incorporated into the city limits since the year 1867, shall be exclusively applied to the improvement of the streets, sidewalks and alleys of such parts of said city until said streets, sidewalks and alleys shall be put in as comfortable condition by graveling, macadamizing and grading, as are the older parts of the said city, and when the said streets, sidewalk and alleys are so put in order, then the same rule shall govern the proceeds of the taxes in all the limits of this incorporation; *Provided,* That if said mayor and aldermen shall cause said parts of said city in this section described to be put in order as herein described, and shall establish a day and night police

therein, as in other parts of the city, then the provisions of this section, as to the application of the law, shall cease.

SEC. 23. *Be it further enacted*, That the mayor and aldermen may, if they deem it expedient, to require ^{Statements of sales.} merchants and other persons liable to pay taxes upon auction sales, or sales of merchandise or other commodities, or upon goods or other commodities offered for sale, to give unto the city clerk or assessor, quarterly or annually, statements under oath, the gross amount of such sales, or of the amount and value of the goods or other commodities received during the preceding quarter or year, as the case may be, and may levy and collect the taxes on such sales, or on such goods and other commodities quarterly or annually, as they may deem it expedient and proper.

SEC. 24. *Be it further enacted*, That full power and authority are hereby given to said mayor and aldermen to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of the taxes authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restriction hereinbefore expressed, for the violation of these ordinances in reference to the taxes and revenue of the city, as they deem expedient and proper; *Provided*, That the powers conferred by this section shall not extend to imprisoning for any mistake, fraud or other defect in the assessment or levy of the taxes. Said board may, if they deem it necessary or expedient, set aside such assessment and levy in whole or in part, according to circumstances, and direct a new assessment or levy in whole or in part, as the case may be. ^{Rules for collection of taxes} ^{Proviso.} ^{Board may correct assessment.}

SEC. 25. *Be it further enacted*, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits of the party against whom the same are assessed or levied, and the person appointed to collect such taxes, must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed to an owner unknown by a sale of the property for the non-payment of the taxes, must be after thirty ^{Assessments to have force of judgment.} ^{Property subject to levy and sale.}

days' notice, by advertisement in a newspaper published in said city. The person appointed to collect such taxes, shall make such sales under such rules and regulations as the board shall prescribe, and shall give to the purchaser of any real estate so sold, a certificate of purchase in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all provisions proceeding, and of all the facts stated therein, and also, that all the requirements of the law in reference to the levy and assessment of the taxes, and sale of the property, have been complied with ; *Provided, however,* That real estate sold for the payment of taxes under this act, may be redeemed at any time within two years from the sales, on payment of the amount for which such property was sold, with interest at the rate of *ten per cent. per annum*, and all taxes as costs which have accrued, and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury, for the benefit of the purchaser, and infants, lunatics, and married women, shall be allowed one year after their respective disabilities are removed for the redemption of their real estate, and upon such payment or deposit being made within the period allowed for the redemption thus created by such sale and certificate, shall cease and determine, and the purchaser and the purchaser under him or claiming under him, shall relinquish possession ; on a failure to do so, he shall be liable for an unlawful detainer.

SEC. 26. *Be it further enacted,* That no prosecution, suit or claim whatsoever, pending or to be brought under existing laws, shall in any manner be affected, impeded or altered by the passage of this act, and all the existing ordinances and by-laws of the city of Talladega, adopted in pursuance of the present charter of said city, and not in conflict with this act, or with the constitution and laws of the State of Alabama, shall be and remain in force as the ordinances and by-laws of said city, until repealed or modified by the present mayor and aldermen, or by the mayor and aldermen elected under this act.

SEC. 27. *Be it further enacted,* That the corporate limits of the city of Talladega shall embrace an area of land two miles and a half square, whose center shall be the center of the public square in said city, and whose,

four boundary lines, each of which shall be two and a half miles in length, shall run parallel with a corresponding boundary line of the present public square of said city, and be equidistant, east, west, north and south from the public square.

SEC. 28. *Be it further enacted*, That said city of Talladega shall be divided in four wards, as follows: Ward 1 shall embrace all that portion of the corporation ^{Wards and boundaries.} limits which lie east of — street, which street bounds the east side public square, and north of — street, which street bounds north side public square. Ward 2 shall embrace all that portion of the corporate limits which lies west of said street, —, which is the eastern boundary of the public square, and north of said street, —, bounding said public square on the north. Ward 3 shall embrace all that portion of the corporation limits which lies west of said — street, bounding said public square on the east and south of said street, bounding said public square on the north. Ward 4 shall embrace all that portion of the corporation limits which lies east of said street called —, which bounds the east side of the public square and south of said — street, bounding said public square on the north side, but the board of ^{Board may change wards.} mayor and aldermen of said city may alter and change the boundaries of said wards, as they deem expedient; *Provided*, That no alderman shall be eligible to a seat in the board of mayor and aldermen unless they reside in their respective wards at the time of their election; *And, provided further*, That two aldermen shall be chosen from each ward, and if they remove from their ward, for which they shall be elected, they shall forfeit their respective office, and must reside within their ward during their continuance in office.

SEC. 29. *Be it further enacted*, That all laws and parts of laws inconsistent with this act, are hereby re- ^{Conflicting laws repealed.} pealed.

Approved, March 1, 1870.

No. 226.]

AN ACT

To legalize the marriage of R. B. Newton and Sarah Black, of the county of Geneva.

Marriage legalized.

Be it enacted by the General Assembly of Alabama, That the marriage solemnized between R. B. Newton and Sarah Black, of the county of Geneva, is hereby legalized and made valid, his former wife having been divorced from him before his said marriage with said Sarah Black.

Date of marriage.

SEC. 2. *Be it further enacted,* That for all purposes of protection the relation of husband and wife shall be held to have existed between R. B. Newton and said Sarah Black, from the date of their marriage, any law, usage or custom to the contrary notwithstanding.

Approved, March 1, 1870.

No. 227.]

AN ACT

To incorporate the town of Greensboro', in the county of Hale.

Town incorporated.

Corporate limits.

Body corporate.

Name and style.

Franchises.

Be it enacted by the General Assembly of Alabama, That the town of Greensboro', in the county of Hale, Alabama, be and the same is hereby incorporated, and that the corporate limits of said town shall embrace an area of two miles square as follows: The south half of section eight, the south half of section nine, all of sections sixteen and seventeen, the north half of section twenty, and the north half of section twenty-one, all in township twenty, range five, east, in the said county of Hale; and the present and future inhabitants of the said town of Greensboro', as by this act incorporated, shall be and they are hereby made and constituted a body politic and corporate under the name and style of "The Town of Greensboro'," under and by which name and style, and acting through and by the proper officers of the corporation hereinafter designated, all the corporate powers and privileges of said town, by this act granted, shall be exercised and carried into effect, and under its corporate name aforesaid, the said town of Greensboro' shall sue and be sued, plead and be impleaded, answer

and be answered in all manner of suits, either in law or equity; may have and keep a common seal, and break or change the same at pleasure; may purchase, receive and hold, grant, sell, alien and convey or let property, real, personal or mixed, for the benefit of said town, to the value of one hundred thousand dollars, and in general may do all acts incident to bodies corporate.

SEC. 2. *Be it further enacted*, That the government of said town shall be styled "The Mayor and Council of Greensboro'," and shall consist of a mayor and four councilmen, citizens and residents of said town, who shall serve for the term of—year and until their successors shall have been duly elected. Said mayor and councilmen shall be elected by the duly qualified voters of said town, who shall consist of all male citizens of the State of Alabama of the age of twenty-one years and upwards, who shall have resided within the limits of said town for the period of three months next preceding the election at which they may offer to vote, and all male freeholders of said town of the age of twenty-one years and upwards; *Provided*, That no person shall be allowed to vote who has failed or refused to pay all taxes due from him to the said town. The mayor and councilmen of said town shall each be *ex-officio* justice of the peace during their term of office for the purpose of carrying into effect all laws, by-laws and ordinances that may be enacted or passed by the corporate authorities of said town for the government of the same. Before entering upon the discharge of their official duties, the mayor and councilmen elected under this act shall severally take the oath of office prescribed by the constitution of this State, before some officer authorized to administer the same, which oath shall be filed with the records of said town.

Government, how named and constituted.

Shall be elected.

Qualifications of electors.

Exceptions.

Mayor and councilmen ex-officio justices of peace.

Oath of office.

SEC. 3. *Be it further enacted*, That all elections for mayor and councilmen of said town of Greensboro' shall be had on the first Monday in March in each and every year; but should any election not take place on the day appointed, the corporation shall not, for that cause, be dissolved, but the mayor and councilmen shall remain in office until their successors shall be elected and qualified, and they shall proceed at once to appoint some other day, not beyond thirty days thereafter, on which day an election for mayor and councilmen shall be held as prescribed in this act. All the elections for mayor

Elections.

and councilmen shall be held on the day hereinbefore designated, and shall be conducted under the supervision of the mayor and any one of the councillors, or in the absence of the mayor by any two councillors, or when it shall be ordered by the corporate authorities of said town, by any two or more qualified electors of said town, to be appointed by the mayor and council. At such election the marshal of said town, appointed under the provisions of this act, shall be the returning officer, and the mayor and councilmen shall judge of the legality of all elections, declare who has been elected, and in all cases of a tie between two or more persons, shall determine which of such persons shall be mayor or councilmen, (as the case may be,) only those members voting who are not personally interested in the result.

SEC. 4. *Be it further enacted*, That whenever, in the opinion of the mayor and council, it may be expedient to increase the number of councilmen, they may direct any number, not exceeding eight, to be elected at the next and future succeeding elections, and they may again reduce the number to four whenever it may be proper and expedient in their opinion to do so.

SEC. 5. *Be it further enacted*, That for the transaction of all business, (other than is hereinafter specially provided for,) a majority of the mayor and councilmen shall be necessary, but a less number may adjourn from time to time, and from day to day, and the board may, by its by-laws, compel the attendance of its members by a reasonable fine; *Provided*, That in all cases excuses or reasons for non-attendance may be heard and passed upon by such members of the board as are not interested in the case.

SEC. 6. *Be it further enacted*, That should a vacancy occur at any time in the office of mayor or councilmen, either by death, resignation or absence from the board for three months, or from any other cause, such vacancy shall be filled by appointment by the remaining members of the board.

SEC. 7. *Be it further enacted*, That the board of mayor and councilmen of said town of Greensboro', shall have power—1st. To employ a clerk, marshal, treasurer, and such other officers as may be necessary (who shall be removable at the pleasure of the board); to prescribe their duties and require of them bonds, with security, in such amounts as may be deemed proper and right for

the faithful discharge of their duties. 2d. To determine the amount of salary, fees and perquisites to be allowed ^{Salaries.} to the mayor, clerk, marshal and other officers. 3d. To pass such laws and ordinances as may be necessary or proper to maintain and execute the powers in this charter granted, and for their own government, not contrary to the constitution and laws of this State or to the restrictions herein imposed; and it is hereby expressly declared and enacted that the power and authority herein conferred is to be liberally construed for the attainment of the purposes for which it was granted. 4th. To prevent nuisances and to remove the same at the cost of the person causing them, or upon whose premises they may be found. 5th. To license, tax, regulate or restrain balls, dances for pay, theatrical and ^{License and taxation.} other shows, exhibitions, lectures, concerts and other amusements, except lectures and concerts for charitable purposes. 6th. To restrain and prohibit all disorderly houses, gaming houses, houses of ill-fame, racing, prize fighting, cock fighting, within the limits of said town. 7th. To prevent and punish all breaches of the peace, disorderly or riotous conduct, assaults, assaults and batteries. 8th. To establish night and day watches, and police, and appoint officers for the same, and to punish, ^{Watch.} by reasonable fines, the officers, police and watches for neglect of duty. 9th. To prevent and disperse all unlawful or disorderly assemblages. 10th. To establish and regulate markets; to sink and keep in repair and control public wells, and make all needful provisions for furnishing said town with good and wholesome water; to keep in repair all sidewalks, alleys and streets; to ^{May open streets.} open the same where they may be closed, and at all times to keep them free from the obstructions of all kinds; to widen and improve streets, alleys and sidewalks now existing, and to establish, ascertain and open new ones, and to build and make bridges and drains, and ^{Licenses.} to adopt measures necessary to preserve and regulate the same. 11th. To license, under such restrictions as may be proper, carts, wagons, drays, hacks and carriages ^{Drays, &c.} running for hire within the limits of said corporation. 12th. To license and tax the sale of malt and spirituous liquors in all cases in which the sale of the same is ^{Sale of spirituous liquors.} or may be allowed by law, and to prohibit the sale of such liquors in any quantity within the corporate limits of said town by any person without having first pro-

cured such license. 13th. To license and tax billiard saloons and bowling alleys, upon such terms and conditions as may be necessary and proper to regulate and control them effectually. 14th. To license and tax hotels, eating houses, stores or shops, for the sale of any kind of goods, wares or merchandise, or for the sale of paints, oils, medicines, drugs, confectioneries, provisions, fruits, bread, and the like, and to regulate the assize of bread, and in like manner to license and tax all transient merchants or dealers, who shall remain within the limits of said corporation less than one year; to license, appoint and tax auctioneers, and regulate sales at auction, except sales under the order of any court, or by executors or administrators; to erect a public scale-house, with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in cases of disagreement between buyers and sellers; to license and tax livery and sale stables, barber shops, mills and manufacturing establishments of all kinds, mechanics and day laborers. 15th. To pass and enforce all ordinances deemed necessary or proper to prevent the introduction of infectious or contagious diseases within the said town, and to preserve the health of the inhabitants of the same. 16. To prevent and punish violations of the Sabbath, or Lord's day, commonly called Sunday; to prevent and punish any disturbance of, or interference with the public or private worship of God, at any assemblage of the inhabitants of said town, met for any lawful purposes, and to prevent any indecent exposure of the person, profane or obscene language or exhibitions, and anything else pernicious to the morals and good order of society. 17th. To prevent stock of any kind from running at large in the public streets and alleys of said town. 18th. To prevent and punish malicious or wilful mischief to houses, fences, ornamental fruit or shade trees, signs, sign-posts, tombs, monuments, or any other property within the corporate limits of said town, of whatever kind or description, to take and have control and management of the public graveyard of said town, and, if necessary, to elect a sexton to superintend the same, and to fix his salary and emoluments; to erect and keep a guard-house for the confinement and imprisonment of offenders against the laws, by-laws and ordinances of said town. 19th. To punish by fine not exceeding ten dol-

Billiards, &c.

Hote's, &c.

Transient merchants.

Auctioneers.

Public scales.

Weigher and measurer.

Livery stables and manufactories.

General powers.

lars, and imprisonment not exceeding twenty-four hours, one, or both, for each offense all contempts of the board of mayor and councilmen, or any one of them, while engaged in the performance of duties imposed by this act, and by fine not exceeding fifty dollars, and imprisonment or hard labor on the streets or other public works of said town, for not exceeding sixty days, any breach or violations of the laws, or by-laws or ordinances of said town, and all fines provided for in this act, may be collected by execution, issued by the mayor or any councilman of said town, or their non-payment punished by imprisonment or hard labor as aforesaid at the rate of one day for each dollar of the fine and costs assessed against the party; *Provided*, That in all cases where judgments are rendered against persons under the provisions of this act, and the laws, by-laws and ordinances of said town, made in pursuance thereof, the party against whom such judgments may be rendered, may have an appeal to the circuit court of Hale county, under the rules and regulations prescribed by the laws of the State for appeals from the judgment of justices of the peace. Appeal allow'd

SEC. 8. *Be it further enacted*, That the mayor and council of said town, or any one of them, shall have power to bind over to the next succeeding term of the circuit court of Hale county, all offenders, or supposed offenders, against the laws of the State, in cases in which the board of the mayor and council may have no jurisdiction, to inflict adequate punishment, or to commit to jail in non-bailable cases, or in cases in which the party cannot give bail. Proceedings
against offen-
ders.

SEC. 9. *Be it further enacted*, That in all cases where any person or persons shall be convicted of any offense against the laws, by-laws or ordinances of said town, and such persons shall fail or refuse to pay, or secure to be paid, the fine or fines and costs imposed, the mayor and council, or any one of them, may commit such person or persons to the jail of Hale county, or to the guard-house of said town for any period not exceeding fifty days, unless such fine or fines and costs be sooner paid, and the jailor of said county (when such person or persons may be committed to jail) is hereby required to receive and keep such persons in the jail of said county until the term of such imprisonment may expire, or until he receives a certificate of the payment of such May imprison
offenders.

finest and costs of conviction and imprisonment from the mayor or one of the councilmen of said town ; *Provided*, That the said corporation shall pay all jail fees in all cases where they cannot be collected of the offender, which jail fees shall be the same as collected by law from other persons.

Poll-tax.

Additional
taxes.

Assessment.

Board may
correct errors

Assessment
has force of
judgment.

SEC. 10. *Be it further enacted*, That said corporation shall have power, in addition to the special taxes hereinbefore authorized, to levy and collect a poll tax, not exceeding two dollars on each male inhabitant of said town above the age of twenty-one years, who shall have resided within the corporate limits of the same three months next preceding the time when the tax shall have been laid ; also, to levy on all property, real, personal or mixed, within the limits of said corporation, which is or may be subject to taxation under the revenue laws of the State, such taxes as may be necessary for defraying the expenses of said corporation, not exceeding one per cent. of the assessed value of said property in any one year, and to collect and enforce the payment of the same according to the provisions of this act.

SEC. 11. *Be it further enacted*, That an assessment of all the property in said town, subject to taxation, shall be made annually to the owner of said property, if known, otherwise assessing it to owner unknown, and upon failure or refusal of any person to give in his or her property, when required to do so, the assessor must proceed to assess, from the best information he can obtain. The assessment, when completed, must be returned to the board, who shall cause ten days' notice to be given by advertisement in some public newspaper of said town, or other sufficient means, of the time and place when and where the board will correct errors and hear complaints. When complaints have been heard and decided, and errors and mistakes corrected, the assessment must be marked "approved" by the mayor, and delivered to the person appointed to collect the taxes. The assessment so approved shall have the force and effect of a judgment and execution, and the person appointed to collect such taxes may, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by sale of property. All sales of personal property for taxes under the provisions of this act must be advertised for ten days in some public newspaper of

said town or other sufficient means, and all sales of real property must be advertised for thirty days in the same manner. Such advertisements must contain a full description of the property, the name of the person to whom assessed, unless it be assessed to an owner unknown, in which case it must be so stated, and the amount of said taxes for which it is to be sold, including costs and expenses of advertising. All sales of property for taxes under this act shall be made at the door of the court-house of Hale county, in the town of Greensboro', between the hours of twelve m. and four p. m., and may continue from day to day until the sale is completed. The person appointed to collect the taxes and make the sales herein provided for, shall give the purchaser of real estate a certificate of purchase, in form similar to those given by the State and county tax collector, and which shall have the same force and effect. All real estate sold under this act may be redeemed at any time within two years from the day of sale, on the payment of the amount for which the property sold, with interest, at the rate of ten per cent. per annum, and all taxes and costs which have accrued; and if the purchaser of said property does not reside within the town of Greensboro', then payment made into the treasury of said town for the benefit of the———infants, lunatics and married women, shall be allowed two years after the removal of their respective disabilities to redeem, on compliance with the requirements above specified.

Tax sales.

Certificate of purchase.

Right of redemption.

SEC. 12. *Be it further enacted*, That all persons residing within said corporate limits, liable to do road duty, shall be liable, and are hereby required to work on the streets, roads and alleys within the corporate limits of said town, not exceeding ten days in any one year; *Provided*, That all such persons shall be exempt from working on the streets, roads and alleys of said town, by paying such street tax as the corporate authorities of the same may impose, not exceeding ten dollars in any one year.

Road duty.

SEC. 13. *Be it further enacted*, That all persons residing within said corporate limits shall be wholly exempt from road duty without said limits, and all persons exempt from road duty by the laws of this State are also exempt from street duty within the limits of said town.

SEC. 14. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the board, and to preserve order. He may call special meet-

Duties of mayor.

ings of the board whenever, in his opinion, it may be necessary, and in his absence any two councilmen may call a meeting. The mayor shall keep an office in said town, where he shall attend to, hear and determine all cases of the breach or violation of any of the laws, by-laws or ordinances, or he may request one of the councilmen to attend in his stead, and in his absence or inability to attend at any meeting of the board, one of the councilmen shall be called on to preside *pro tempore* in his place.

Power to enforce laws.

SEC. 15. *Be it further enacted*, That the marshal of said town shall have authority to execute the laws, by-laws and ordinances passed by the mayor and board of councilmen of said town, to arrest without warrant all offenders against the peace and good order of the town, and all violators of its laws, by-laws and ordinances and carry them before the mayor or one of the councilmen, or before the mayor and board of councilmen, if in session, or confine them for safe-keeping in the county jail or town guard-house until they can be brought before the proper authority, and, if necessary, he may call to his assistance any of the citizens of said town, to enable him to make arrest, and any person or persons refusing or neglecting to assist, when so called upon by the marshal, shall be punished as in this act is provided in cases of contempt. The marshal shall also perform such other duties as may be required of him, or annexed to his office by the laws, by-laws and ordinances of the mayor and council of said town.

Term of office.

SEC. 16. *Be it further enacted*, That the present incumbent and board of councilmen of the town of Greensboro' shall continue in office and have and exercise all the authority and powers by this act conferred and granted, from the date of its passage until the election and qualification of their successors under this act, for which they shall make necessary provision.

Existing laws.

SEC. 17. *Be it further enacted*, That all private and local acts relating to the town and corporation of Greensboro', which are now in force, shall be and remain unaffected by any of the provisions of this act, and that all former acts incorporating said town, and acts amending the same, be, and the same are hereby repealed.

Approved, March 1, 1870.

No. 228.]

AN ACT

To repeal a provision of section third of an act entitled an act, to adopt the law as amended in relation to the incorporation of the city of Tuscumbia.

Be it enacted by the General Assembly of Alabama, Sec. 3 recited.
That the provisions attached to section third of an act, to adopt the law in relation to the incorporation of the city of Tuscumbia, and approved December 23d, 1868, and which reads as follows: *Provided, however,* That no person shall vote or hold office under said law who is disqualified under the constitution and laws of this State or of the United States, any law or ordinance to the contrary notwithstanding, shall and is hereby declared Repealed. to be repealed, from and after the passage of this act.

SEC. 2. *Be it further enacted,* That all acts of the present mayor not inconsistent with the laws and constitution of the State are hereby declared to be legal Conflicting laws repealed. and binding.

Approved, March 1, 1870.

No. 229.]

AN ACT

For the relief of the sheriff of Sumter county.

Be it enacted by the General Assembly of Alabama, Pay for ex officio services
That the sheriff of Sumter county shall hereafter be entitled to five hundred dollars annually for *ex officio* services, to be paid in the manner now provided for by law, any law to the contrary notwithstanding.

Approved, March 1, 1870.

No. 230.]

AN ACT

To amend section two of an act to incorporate the city of Eufaula.

Be it enacted by the General Assembly of Alabama, Act recited.
That the second section of an act approved February 16, 1867, entitled "An act to incorporate the city of

Amendment.

Corporate
limits.

Eufaula," which is in the following words, to-wit : "Sec. 2. Be it further enacted, That the said city shall consist of all the tracts, lots and parcels of land which are included within the following boundaries : Beginning at the point where the Chewalla creek empties into the Chattahoochee river ; thence south along said river to the half section line of section four, (4), township ten (10), range twenty-nine (29), thence west, dividing said sections four (4), and section five (5, to the east line of section (6), in same township and range ; thence due north along said last named line to the north-west corner of said section five (5) ; thence due west, along the said line of section thirty-one (31), in township eleven (11), range twenty-nine (29), to the south-west corner of said section ; thence north along the west line of section thirty-one (31), to the point where it intersects the first branch ; thence down the said branch to the Chewalla creek ; thence along said Chewalla creek, south side, to its disgorging point into the Chattahoochee river, being the beginning point of this boundary," be, and the same is hereby amended, so as to read as follows, to-wit : "Sec. 2. Be it further enacted, That the said city shall consist of all the tracts, lots and parcels of land which are included in the following boundaries : Beginning at the point where the Chewalla creek empties into the Chattahoochee river ; thence south along said river to the half-section line of section four (4,) township ten (10), range twenty-nine (29) ; thence west, dividing said section four (4), and section five (5), to the east line of section six (6), in same township and range ; thence due north along said last named line, between said section five (5) and six (6), and due north between section thirty-one (31) and thirty-two (32), in township eleven (11), range twenty-nine (29), to the point where it intersects the first branch ; thence down the said branch to the Chewalla creek ; thence along said Chewalla creek, south side, to its disgorging point into the Chattahoochee river, being the beginning point of this boundary."

Approved, March 1, 1870.

No. 231.]

AN ACT

To enable the "North Alabama Agricultural and Mechanical Association" to reorganize under its charter.

WHEREAS, At a session of the General Assembly of the State of Alabama, held in the city of Montgomery, commencing on the second Monday in November, 1857, an act was passed, in words and figures, substantially as follows, to-wit: "An act to incorporate the North Alabama Agricultural and Mechanical Association. Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Thomas Fearn, Lawrence S. Banks, Porter Bibb, Henry Fennell, Nelson Fennell, Owen O. Nelson, James Jackson, Robert Fearn, William R. Larkin, A. S. Harris, and their associates, are hereby constituted a body corporate, by the name of the North Alabama Agricultural and Mechanical Association, and by that name may sue and be sued in any court of law or equity of this State, may have and use a common seal, may adopt such a constitution and by-laws as the society may deem proper, to promote the interest and prosperity of the same; and may further do all things not contrary to law, which may be necessary and proper to accomplish the objects of the Association. Sec. 2. Be it further enacted, That the said association is authorized and empowered to own and possess, in its corporate capacity and name, real and personal property to the value of five thousand dollars, and to improve the same in such a way as will best suit the interest and convenience of the association, approved January 20th, 1858. And whereas, The said North Alabama Agricultural and Mechanical Association accepted the aforesaid charter or act of incorporation, and did organize thereunder, and elected a president and board of directors for said association, and purchased several acres of valuable real estate adjoining the town of Decatur, in the county of Morgan, and directed suitable improvements thereon for the purpose of said association. And whereas, The late civil war interrupted and put a stop to the lawful actions and doings of said association, and prevented it from keeping up and continuing its organi-

Act recited.

Preamble.

zation by the election of officers and directors therefor. And whereas, The stockholders in said association are numerous, and scattered over several counties in the northern portion of this State, and from want of proper directing power and authority, it is difficult to get said stockholders together, or in convention, to take any action touching the interest of said association. Now, for the purpose of enabling said stockholders in said association to resume their organization under the afore-recited act of incorporation, and to [enable] them [to] do and perform whatever may be necessary for the rights and interest of the said stockholders in said association—

Be it enacted by the General Assembly of Alabama,

Corporators. That Jonathan Ford, A. F. Hodges, Jonathan Fisher, J. M. Todd, M. Sensabough, W. E. Murphey, and such other of the original stockholders in said association as may unite with them for that purpose, be, and they are hereby authorized and empowered to call a meeting of the stockholders in said association, to be held in the town of Decatur, in Morgan county, on such day as they may designate, for the purpose of re-organizing of said association, and the election of a president and Election of officers. of board of directors for the management of its business, and to make such disposition of the property, both real and personal, of said association, as said president and board of directors, or a majority thereof, acting under and in pursuance of the instructions of said stockholders, in said meeting, so to be called, may determine is for the best interest of the said stockholders in said association.

SEC. 2. *Be it further enacted,* That before the meeting of said stockholders provided for in the first section of this act takes place, it shall be necessary for the stockholders calling the same, to give at least three weeks' notice thereof by publication in some newspaper published in said town of Decatur, wick said notice shall state the time and place of such meeting, and the purposes for which the same is called, and shall be signed by the stockholders, who may so call said meeting of stockholders.

Notice by publication.

Approved, March 1, 1870.

No. 232.]

AN ACT

To repeal an act entitled "An act to re-organize the Centerville Bridge Company."

Be it enacted by the General Assembly of Alabama, That an act entitled "An act to re-organize the Centerville Bridge Company," approved February 6th, 1867, be and the same is hereby repealed. Act repealed.

Approved, March 1, 1870.

No. 333.]

AN ACT

To authorize the commissioners court of Crenshaw county to borrow money and issue therefor warrants upon the county treasurer, to be paid out of the special tax assessed to build a court-[house.]

Be it enacted by the General Assembly of Alabama, That the commissioners court of Crenshaw county, May borrow money. and they are hereby authorized to borrow a sum of money, not exceeding ten thousand dollars, and to secure the payment thereof, Shall issue warrants. shall issue warrants upon the county treasurer, to be paid out of the amount raised by special tax levied by said commissioners court for the purpose of building a court-house in Rutledge, the county site of said county; *Provided,* Proviso. That no such warrant shall be issued unless there is received therefor money at not less than ten per cent. less than the face of the warrant, that is, at not less than ninety dollars of money for one hundred dollars in warrants.

Approved, March 1, 1870.

No. 234.]

AN ACT

To authorize the commissioners court of Crenshaw county to levy a special tax to build a court-house.

Be it enacted by the General Assembly of Alabama, That the commissioners court of the county of Crenshaw, be and they are authorized to assess and collect

May collect
special tax.

a special tax in said county, not exceeding twenty-five per cent. on the State tax, for any one year, for the purpose of building a court-house in Rutledge in said county, upon the site already selected for that purpose.

Approved, March 1, 1870.

No. 235.]

AN ACT

For the relief of George D. Noble, of Montgomery county, Mary Frances Miles and Robert L. Brown, of Sumter county, from the disabilities of minority.

Be it enacted by the General Assembly of Alabama,
 Geo. D. Noble. That George D. Noble, a citizen of the county of Montgomery and State of Alabama, who is now nearly
 Mary Frances Miles. twenty-one years of age, and Mary Frances Miles, aged eighteen years, of Sumter county, and Robert L. Brown,
 Robert D. Brown. aged twenty years, of Sumter county, and State of Alabama, are hereby released of all disabilities on account of their minority, and are hereby authorized and empowered to purchase and hold property in their own name and for their own use, to transact and conduct business generally, and in all respects whatever as fully as if they were of full age.

Approved, March 2, 1870.

No. 236.]

AN ACT

To establish a new charter for the town of Union Springs, Bullock county, Alabama.

Be it enacted by the General Assembly of Alabama,
 Corporation, of whom to consist. That the corporation for the town of Union Springs, in the county of Bullock, shall hereafter consist of a mayor and council, and shall be known and styled as "The
 Corporate name. Mayor and Council of the town of Union Springs," and by their corporate name may sue and be sued, plead and be pleaded, in all manner, and of suits both in
 Franchises. law and equity, and may purchase and hold real, personal and mixed property, or dispose of the same for

the benefit of said town, and may have and use a town seal, which may be broken or altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate limits of and boundaries of the said town of Union Springs shall extend one half mile from the center of the crossing of Blackman and Prairie streets, east and west, and three quarters of a mile north and south, forming a parallelogram one mile wide and one and a half miles long. Corporate limits.

SEC. 3. *Be it further enacted*, That the government of said town shall be styled "The Mayor and Council of the Town of Union Springs," and shall consist of a chief officer, to be styled mayor of the town of Union Springs, and six (6) councilmen, each to be elected by the legal voters of the town. The person receiving the highest number of legal votes for mayor shall be mayor, and the six (6) persons receiving the highest number of legal votes for councilmen shall be councilmen. At the same time and place, and in like manner, one clerk and one marshal may be elected to act as officers under and for the use of said town council. Every citizen of said town who would be a legal voter at an election for members of the legislature, will be entitled to vote at such election for mayor and councilmen, clerk and marshal; *Provided*, That he shall have been actually or legally a resident of said town for three months next preceding the election. Style of government.
Election of mayor and councilmen.
Qualification of voters.

SEC. 4. *Be it further enacted*, That no person or persons shall be eligible to the office of mayor or councilman, clerk or marshal aforesaid, unless he or they be citizens of lawful age, and shall have resided within the corporate limits of said town at the time of their election. Qualifications for office.

SEC. 5. *Be it further enacted*, That the election for the municipal offices aforesaid shall be by ballot, and be held on the second Monday in January, 1871, and annually thereafter, and said officers, so elected, shall hold their offices for one year from the date of said election, or until their successors are elected and qualified. Election; when to be held.
Term of office.

SEC. 6. *Be it further enacted*, That said town council shall appoint managers of the election to consist of such number of persons as may be deemed expedient; shall prescribe the mode in which all elections shall be conducted, the mode of returning and counting the votes; the votes to be returned to the acting mayor, and by Managers of election.

him laid before the council to be examined and counted. The said town council shall be judges of all municipal elections, and shall have full power to determine all matters in relation thereto, and in counting shall reject all illegal votes, and count only such as are legal. In the event that two or more persons shall have an equal number of legal votes for either mayor, councilmen, clerk or marshal, the acting mayor shall have power to order a new election, first giving ten days notice by publication in some newspaper published in said town, or by posting written notice in three conspicuous places in said town, of the time and place of said election; *Provided*, All elections shall be held according to the election laws in this State. In case a vacancy should occur in the office of mayor, except by expiration of the term for which the last mayor was elected, such vacancy shall be filled by the councilmen, and in case of any vacancy in the office of councilman, except by expiration of term, such vacancy or vacancies shall be filled by the mayor and councilmen then acting.

SEC. 7. Be it further enacted, That said town council shall have power to elect a treasurer, and such other officers as may be deemed necessary, who shall continue in office for one year, unless sooner removed for cause by the said town council; and who shall have such a line of duties to perform, and receive such compensation for said services as said council may deem right and proper; *Provided*, That the office of treasurer may be consolidated with that of clerk, if the said town council shall deem it expedient.

SEC. 8. Be it further enacted, That the mayor and councilmen, marshal, clerk and treasurer, and each other of the officers that may be elected, shall make and subscribe an affidavit that he will faithfully and to the best of his skill and ability perform the duties assigned him, without favor or partiality, which affidavit shall be filed in the archives of said town, and the clerk, marshal, treasurer, and other officers, shall give bond to whatever amount the said town council shall deem right and sufficient to guarantee a faithful performance of their respective duties.

SEC. 9. Be it further enacted, That in case of neglect of duty, incompetence or malpractice on the part of either the clerk, treasurer or marshal, the town council shall have power to dismiss him from office, and in case

of resignation, dismissal or disability, making a vacancy, in either or any of the offices of clerk, treasurer and marshal, the said council shall forthwith fill such vacancy.

SEC. 10. *Be it further enacted*, That the board of councilmen shall have power to hold and to adjourn their meetings from time to time, unless sooner called together by the mayor; they shall keep a journal of their proceedings, and shall enter the yeas and nays on any question, resolution or ordinance, at the request of any member. Meetings.

SEC. 11. *Be it further enacted*, That said town council shall have power and authority to pass all by-laws and ordinances that may be deemed necessary and proper for its government, not inconsistent with the laws of the State, and the same to alter or repeal at pleasure; to prevent contagious or infectious diseases from being introduced or retained in said town, and in any way to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person or persons causing or owning such nuisances, or upon whose property they may be found; to pass and enforce such ordinances as may be effectual to prevent fires; to license, tax, regulate and restrain, in any manner, all circuses, shows, theatrical amusements, exhibitions and lectures; to prohibit and suppress gaming and gaming houses, and houses of ill-fame within said town; to establish night watches, and day watches and patrols, and to appoint leaders thereof, and other officers; to make, alter and ascertain new streets and alleys with fair compensation to bordering owners; to clean and keep in repair the streets and alleys; to have a general control and superintendence over public pumps and wells; to regulate the sales at auction, and appoint auctioneers for all commercial purposes; to license and regulate wagons, carts and drays, omnibuses, hacks and carriages, running from [one] part of said town to another for hire; and generally to pass such by-laws and ordinances, not contrary to the constitution and laws of this State, or of the United States, as said council may deem necessary and proper to carry into effect the true meaning and intent of this act, and the same to enforce, alter and repeal; *Provided*, That no purchase of real or personal estate, or sale, or mortgage of the same, above the amount of three thousand dollars, made by the mayor By-laws.
General powers.
Licenses and taxation.

and councilmen, shall hold good and valid, without a ratification of the same, by a majority of said town, at a special balloting for that purpose. The said town council shall have power to fix the fees and salaries of the mayor, clerk, treasurer and marshal, and lay such fines, (not to exceed one hundred dollars) or in default of payment, order imprisonment or work on the public streets or alleys (not to exceed fifty days) for breach or breeches of their by-laws or ordinances, as they may deem proper, and to enforce and collect said fines in such a manner as may be prescribed by ordinances, by execution against the person or property, or committing to the guard house, as they may deem proper or necessary; which fines shall be paid into the town treasury.

Taxes.

SEC. 12. *Be it further enacted*, That the said town council shall have power and authority, annually, to assess, levy and collect within its limits all the revenues necessary for its government, as follows: On all real estate they shall have the right to levy a tax not to exceed one per centum on the value thereof; on all pleasure carriages, gigs, sulkies and buggies, and saddle, buggy and carriage horses or mules, a tax not exceeding two per cent. on the value thereof; on every cart, dray, wagon or other vehicle, used for the transportation of goods, sand, lumber, brick or other commodities, or persons for pay, within the boundaries of said town, a license not exceeding twenty-five dollars per annum; on every retailer of spirituous liquors in less quantities than a quart, a license not less than five hundred or more than one thousand dollars; on every retailer of spirituous or vinous liquors, in quantities of a quart or upwards, a license not more than three hundred or less than one hundred dollars; *Provided*, The person or persons applying for license to retail spirituous or vinous liquors in any quantity, shall present an application recommended by three respectable freeholders of said corporation; *And provided further*, That a license shall not be required of druggists and apothecaries who sell spirituous or vinous liquors solely and entirely for medicinal purposes, and upon a certificate of a practising physician; on every baker shop a license not less than five nor more than ten dollars; on each daguerrean gallery or similar artistic business and drawing saloon, a license not more than ten nor less than five dollars; on each billiard, pool, bagatelle or other table, set up and kept for playing in

Proviso.

public houses, a license not less than ten or more than fifteen dollars for each table; on itinerant peddlers, hawkers or traffickers, a license not more than fifty or less than twenty-five dollars; *Provided*, This shall not apply to the sale of provisions, vegetables, fruits, poultry, or any kind of country produce; on ten-pin alleys or alleys with any number of pins, a license not less than ten nor more than fifteen dollars; on theatres, minor shows and exhibitions, a license not less than five nor more than fifteen dollars for each separate paying performance, day or night; on lectures, when admission is charged, a license not less than two nor more than ten dollars for each lecture; on circuses, for each separate performance, morning, noon and night, not less than fifteen, nor more than thirty dollars; on the gross amount of sales of merchandise of any sort, made by any person engaged in the business of selling, a tax not exceeding one per cent.; on all goods or articles or other property sold at auction, a tax not over one per cent.; on personal property, a tax not exceeding one per cent.; on the annual gains, profit or income of any person or persons residing in said town, who are not specially taxed on merchandise sales, and upon all salaries and fees of public officers, and upon the salaries of all other persons, over five hundred dollars, not to exceed one per cent. on the excess thereof; on all other items and occupations, subject to State tax, not to exceed the amount taxed by the State; *Provided*, That nothing in this act shall apply to the salaries of ministers of the gospel who are regularly engaged in the work.

SEC. 13. *Be it further enacted*, That the said town council shall have power to cause, between the 1st day of February and the 1st day of March, or as soon thereafter as possible, an assessment to be made, every year, by the clerk or deputy of the same; to whom it shall be the duty of every person liable to tax within said town, to report and declare under oath or by affirmation, every item of property, occupation or business subject to tax, in which he or she is interested, together with its fair valuation, or a statement on the 1st day of February, in the same manner, and with the same restrictions, as apply to the regular county and State assessments of the State; and if any person refuses to give in his or her assessment, or in the judgment of the clerk or deputy, places an unfair valuation or statement of property, or

Oath of as-
sessor.

Assessment
has force of
judgment.

business return, it shall be the duty of said clerk or deputy to assess the same at what he believes to be its true value or fair statement, and likewise to assess all property whose owner or owners are unknown ; in the case of real estate, the said town council shall elect three discreet freeholders, residents of said town, who shall constitute a board of assessors, any two of whom may act, and who, between the 1st day of February and the 1st day of March, or as soon thereafter as practicable, shall examine all real estate situated within said town, who, between the 1st day of February and the 1st day of March, or as soon thereafter as practicable, shall examine all real estate situated within said town, and assess the cash valuation thereof on the first day of March, together with the names of the owners of the real estate so assessed. The board of assessors, before beginning the assessment, shall take and subscribe before the mayor, the following affidavit, to-wit : We _____, solemnly swear to discharge, to the best of our abilities, without fear or favor, the duties of assessors of real estate within the town of Union Springs, for the year —, and that we will make a fair, equal and impartial valuation of said real estate, and a faithful return thereof. The compensation to be allowed the assessors shall be determined by the town council at the time of electing the same in each year. Upon the return by the clerk or deputy, and by the board of assessors of the assessment hereinbefore provided for, one and all, to the town council, the mayor shall cause at least ten days' notice to be given by advertising in some newspaper published in said town, or by posting written notices in three conspicuous places in said town, that the assessment for the current year is done, and shall in said notice appoint the time when the council will proceed to hear and determine upon all complaints which may be made against such assessment ; and it shall be the duty of the said council to correct errors and supply omissions and deficiencies, and when the same has been passed upon by said council and certified by the mayor, the said assessment shall have the force and effect of a judgment at law, and may be collected by levy and sale, and all sales of property made under and by virtue of such assessment shall convey to the purchaser the same title as if sold by execution from the circuit court ; and the clerk of said town shall,

in case of sale of real estate, give the purchaser a certificate of purchase, which shall vest in the purchaser the same interest that was held by the person against whom such tax was assessed at the time of such assessment; and where the owner is unknown, the entire equitable and legal interest in such real estate, discharged of all liens; *Provided*, That when a tax is assessed upon property, the owners of which are unknown, sixty days notice of sale, specifying the property and tax, shall be given in some newspaper published in said town, or by posting written notices in three conspicuous places in said town, at the expense of said property; *And provided further*, That the owner of any real estate sold for taxes shall have the right to redeem the same, by paying to the clerk of said town, for the party interested, the amount of the purchase-money with interest thereon, at the rate of twenty-five per cent. per annum from the date of sale, the cost of the certificate of purchase, all taxes which have accrued thereon, subsequently to the sale, together with all costs and charges, any time before the expiration of two years from the date of sale but the provisions in the Code of Alabama, in favor of infants or lunatics in this respect, will apply to their benefit as for common taxes.

Certificate of purchase.

Proviso.

In case of unknown owners.

Right of redemption.

SEC. 14. *Be it further enacted*, That the taxes on real estate and personal property shall be collected annually, and be due on the 1st day of June in each year; the taxes on salaries and incomes shall be collected annually, and be due on the 1st day of December in each year, and taxes on merchandise sales shall be collected quarterly on the 1st days of March, June, September and December of every year.

Taxes, when due.

SEC. 15. *Be it further enacted*, That the taxes on real estate and personal property, and all other taxes and dues assessed by the mayor and council of said town, shall have the force and effect of a judgment at law, as hereinbefore provided, against the individual assessed with the same, and a lien on the property so assessed. It shall be the duty of the clerk, after giving ten days' notice in some newspaper published in said town, or by posting written notice in three conspicuous places in said town, that the town taxes (or particular tax or due, as the case may be,) are required to be paid to him, on or before a certain day specified, if the same shall not be paid, to levy on the personal property, or real estate,

Assessment has force of judgment.

Notice, how published.

as the case may be, of the individual or corporation assessed, and sell the same, or so much thereof as may be sufficient to pay the taxes assessed, and one dollar, and reasonable commissions to the clerk for making the levy and sale.

Exempt from
road duty.

SEC. 16. *Be it further enacted*, That the inhabitants of said town be exempt from working on roads and highways beyond the limits of said town, but the streets in said town shall be kept in repair by said town, and for the purpose of so keeping them in good order, the said town council shall have the power to compel each male inhabitant of said town, between the ages of eighteen and forty-five years, to work not exceeding ten days in each year on the streets, but any person so liable to work, may discharge himself by paying to the treasurer of said town three dollars by the 1st day of February in each year.

Streets, how
kept in repair.

Judicial pow-
ers of mayor.

SEC. 17. *Be it further enacted*, That the mayor shall be a conservator of the peace in and for said town, and shall have power to examine and commit or discharge on bail, all persons charged with a criminal offense, in the same manner as justices of the peace may do. The marshal of said town shall have power, and be vested with all the authority as is by law conferred on constables.

Marshal.

Duty of mayor

SEC. 18. *Be it further enacted*, That it shall be the duty of the mayor to see the laws of the corporation to be duly executed, and he shall hold a court once in each day of the week, (Sundays excepted,) or as often as may be necessary, for the trial of all offenders against the laws and ordinances of said town. He shall report the negligence, incapacity or misconduct of any of the officers to the board of councilmen. He shall bring before the board, from time to time, such alterations in the laws of the incorporation, or measures for its good government or interest, as he may deem necessary and proper.

Offenders to
be arrested.

SEC. 19. *Be it further enacted*, That it shall be lawful for the marshal or any policeman to arrest any person violating any of the provisions of this act, or any ordinances passed by the mayor and councilmen.

In case of
failure of elec-
tions.

SEC. 20. *Be it further enacted*, That should the election not take place on the day fixed for the annual election of mayor, councilmen, clerk and marshal, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors

are elected and qualified; and it shall be the duty of the town council to fix some other day, as early as practicable, on which said election shall be held.

SEC. 21. *Be it further enacted*, That any person or persons engaged in any business, trade or occupation, within the corporate limits of said town, for which a license is required, and who shall fail or refuse to take out a license, as is required by the provisions of this act, shall, on conviction thereof before the mayor, be fined in a sum not less than twenty-five nor more than one hundred dollars. Penalty for doing business without license

SEC. 22. *Be it further enacted*, That this act shall take effect and be of full force from and after its passage; *Provided*, That the present officers of said town shall continue in office until the next annual election; *And provided further*, That the by-laws, resolutions and ordinances of the said town council, not inconsistent with this act, or the constitution of the State of Alabama, or that of the United States, shall remain in full force until amended or repealed. When to take effect.

SEC. 23. *Be it further enacted*, That all laws and parts of laws contravening any of the provisions of this act, be and the same are hereby repealed. Contravening laws repealed.

Approved, March 1, 1870.

No. 237.]

AN ACT

To explain and define the meaning and true intention of an act entitled "An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved February 21st, 1870.

Be it enacted by the General Assembly of Alabama, That the true intent and meaning of the act entitled "An act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved 21st February, 1870, is, that such act, nor any portion thereof, shall be so construed as to allow or authorize the endorsement by the State therein provided for, to be given or granted to railroads of less than thirty miles in length, nor to the New Orleans, Mobile and Chattanooga Railroad Com- Act defined.
Roads exempt from State aid

pany, nor to any railroad company that has heretofore received an endorsement under laws existing at or before the passage of the act of which this is explanatory.

Approved, February 28, 1870.

No. 238.]

AN ACT

To legalize, ratify and confirm all acts and things of every kind heretofore done and performed in this State, in substantial compliance with an act of the General Assembly of Alabama, entitled "An act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests," approved December 31st, 1868.

Be it enacted by the General Assembly of Alabama,
 Acts legalized. That all orders, acts, proceedings, elections, issues of bonds, payment of moneys, liens, assessments, collections of taxes, all sales of property to collect taxes, subscriptions to the capital stock of railroads, and all acts and things of every kind heretofore done and performed in this State for railroad purposes, in substantial compliance with the provisions of an act of the General Assembly of Alabama, entitled "An act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests," approved December 31st, 1868, be, and the same are hereby legalized, ratified and confirmed in all respects.

Approved, March 1, 1870.

No. 239.]

AN ACT

To compensate the county commissioners of Jefferson county.

Be it enacted by the General Assembly of Alabama,
 That from and after the passage of this act, the county

commissioners of Jefferson county shall receive three dollars per diem for each and every day they are in session, and five cents per mile in travelling to and from the court-house of said county, for the purpose of holding said commissioners' court. They shall draw their warrant on the county treasury for the same, to be paid out of the county treasury.

Pay of county commissioners of Jefferson.

Approved, March 1, 1870.

No. 240.]

AN ACT

To define the duties of the courts of county commissioners in the counties of Franklin and Colbert, in relation to the indebtedness of Franklin up to the organization of Colbert county.

Be it enacted by the General Assembly of Alabama, That it shall be the duty of the court of county commissions of Franklin county, at their first term after the organization of Colbert, to make out a correct account of the indebtedness of the county of Franklin, after deducting all the assets in the hands of the county treasurer, or that may be due from the tax collector, and then to ascertain from the assessment of the year 1869, what proportion Colbert county should pay in *pro rata*, and certify the same to the commissioners court of Colbert county, under their oath of office.

County commissioners to make account of debts.

Amount to be divided pro rata.

SEC. 2. *Be it further enacted,* That it shall be the duty of the court of county commissioners of Colbert county, upon the presentation or reception of the certified amount of *pro rata* share as is provided for in the first section of this act, to make an allowance in favor of Franklin county for the amount.

Colbert county to make allowance to Franklin.

SEC. 3. *Be it further enacted,* That the commissioners court of Colbert county are hereby authorized and required to levy a special tax for the purpose of paying off the claim referred to in this act.

May levy special tax.

Approved, March 1, 1870.

No. 241.]

AN ACT

To raise a fund for the benefit of the fire companies in the city of Mobile.

Insurance
companies to be
taxed annual-
ly.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall not be lawful for any insurance company to take or receive any premium within the county of Mobile against fire or any river or marine risk, or to open an office in the city of Mobile, unless such insurance company first pay into the fire department association of Mobile the sum of two hundred dollars, and a like sum on the expiration of twelve months, and annually thereafter, so long as they may continue to take or make insurance, or open an office for that purpose.

For benefit
of fire compa-
nies.

SEC. 2. *Be it further enacted,* That the moneys so deposited shall inure to the use and benefit of the several fire companies in the city of Mobile, and such as may hereafter be organized, to enable the fire department to reward superior skill and exertion in the members, to provide for those who may become sick or disabled in the discharge of their duties as firemen or their families.

Objects.

Moneys, how
drawn.

SEC. 3. *Be it further enacted,* That all moneys deposited as aforesaid shall and may be drawn for the above purpose by the fire department of the city of Mobile, under such rules and regulations as they may establish.

Penalty for
violating this
act.

SEC. 4. *Be it further enacted,* That all insurance companies violating the provisions of the first section of this act shall forfeit to the fire department association of Mobile the sum of one thousand dollars, to be recovered against the company so violating the provisions aforesaid, or their agents, by suit brought in the name of the said fire department association of Mobile.

Objects.

SEC. 5. *Be it further enacted,* That all sums so received by the fire department association of Mobile, after deducting the cost, shall be passed to the same fund, and for the use of the fire companies aforesaid, and for the purposes expressed in the several sections of this act.

Conflicting
laws repealed.

SEC. 6. *Be it further enacted,* That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved, March 1, 1870.

No. 242.]

AN ACT

To amend an act entitled "An act to incorporate the Factors and Grocers Marine and Fire Insurance Company of Mobile," approved, December 4, 1863.

Be it enacted by the General Assembly of Alabama, That section six (6) of an act entitled "An act to incorporate the Factors and Grocers Marine and Fire Insurance Company of Mobile," approved, December 4, 1863, which is in the following words, to-wit: "That the affairs of the company shall be conducted by a board of five directors, each one of whom shall own at least twenty shares of stock, to be elected by the stockholders, and hold their office for one year, and until their successors are elected and qualified; they shall not be directors in any other insurance company, and before entering on the duties of their office shall take and subscribe such oath as the stockholders may prescribe for them. The board of directors shall have power to elect one of their number president of the company, and to fix his salary, and to pass by-laws, hereinbefore provided for, which, however, shall be subject to revision or alteration by the stockholders in general meeting," be, and the same is amended to read as follows: *Sec. 6 recited.* *Amendment.* Be it further enacted, That the affairs of the company shall be conducted by a board of sixteen directors, each one of whom shall own at least twenty shares of stock, *16 directors.* to be elected by the stockholders, and hold their office for one year, and until their successors are elected and qualified; they shall not be directors in any other insurance companies, and before entering on the duties of their office shall take and subscribe such oath as the stockholders may prescribe for them. The board of directors shall have power to elect one of their number president of the company, and to fix his salary, and to pass by-laws herein provided for, which, however, shall be subject to revision or alteration by the stockholders in general meeting.

Approved, March 1, 1870.

No. 243.]

AN ACT

For the relief of the judge of the county court of Madison county.

Be it enacted by the General Assembly of Alabama,
 That the court of county commissioners of Madison county, be, and they are hereby authorized and required, from time to time, to order the payment, out of any money in the county treasury not otherwise appropriated, all claims that may be due, or that may hereafter become due, to the probate judge, as the judge of the county court of said county.

Approved, March 1, 1870.

No. 244.]

AN ACT

To authorize the probate court of Montgomery county to take jurisdiction of the estate of Sterling Lanier.

Be it enacted by the General Assembly of Alabama,
 That the probate court of Montgomery county is authorized and empowered to take jurisdiction of the estate of Sterling Lanier, in the same manner and to the same extent as if the said Sterling Lanier had been a resident citizen of said county at the time of his death.

Approved, March 2, 1870.

No. 245.]

AN ACT

To release the Tennessee and Coosa railroad company from its indebtedness to the State of Alabama.

Preamble. WHEREAS, The legislature of Alabama has heretofore appropriated, loaned and advanced to the Tennessee and Coosa railroad company portions of the two and three per cent. fund, which have been applied to the construction of said road, by means of which and of moneys derived from subscriptions of stock, the said road was graded in 1861; And whereas, by reason of the war, the work on said road was suspended, the company im-

perished and the sureties on the second bonds given to the State are unable to meet their liabilities: And whereas, assurances are given that said railroad, which is deemed of great importance to the people of Alabama, can be finished in a reasonable time, if the State of Alabama remits its claims upon said company; therefore,

Be it enacted by the General Assembly of Alabama, That the Tennessee and Coosa railroad company, be, and they are hereby released and discharged from all obligations, bonds, claims and demands, due from said company to the State of Alabama, by reason of any appropriations to said road of the two and three per cent. funds, or any part thereof, and the said portions of said funds heretofore appropriated to said road are hereby donated to the same; *Provided*, The said railroad shall be completed in two years from the date of the approval of this act; *Provided*, That nothing in this act contained shall be so construed or held as to make the State of Alabama responsible or bound to any other company for the portions of the said two and three per cent. fund hereby released and granted to said Tennessee and and Coosa railroad company; and the State hereby quits claims and releases to said Tennessee and Coosa railroad company, all its right and title to said two and three per cent. funds heretofore appropriated to said railroad company; *Provided, further*, That the said company shall receive no further aid from the State of Alabama by the endorsement of its bonds or otherwise.

Release of
claims.

Proviso.

State quits
claims.

Proviso.

SEC. 2. *Be it further enacted*, That as a condition on which the said railroad is released from the payment of the two and three per cent. fund to the State, the said railroad company shall transport passengers at a rate not to exceed four cents per mile, and all local freights at a rate not to exceed twenty-five per cent. higher than is charged for through freight.

Conditions
of release.

Approved, March 2, 1870.

To authorize the sale of the sixteenth section in township seventeen, range two, west, in Sumter county.

Be it enacted by the General Assembly of Alabama, That upon the consent and request, in writing, of a majority of those entitled to vote, of the citizens of township seventeen, range two, west, the judge of probate of Sumter county shall order the sixteenth section in said township to be sold, and shall appoint three citizens of said county to act as commissioners to sell the same.

Judge of probate to order sale in certain cases.
Commissioners.

SEC. 2. Be it further enacted, That it shall be the duty of said commissioners to have said sixteenth section divided and run off into forty acre lots, according to legal subdivisions, and shall affix thereon a minimum price.

Division of 16th section.

SEC. 3. Be it further enacted, That said commissioners shall sell said several lots at public sale to the highest bidder, on some part of the said sixteenth section, on such day as they may think proper, after giving thirty days' notice thereof in some newspaper published in the county of Sumter, and by printed notices posted at six or more public places in the vicinity, and as near the said sixteenth section as may be, on a credit of one, two and three years, in equal instalments, with interest thereon at six per cent. per annum from the dates thereof; *Provided,* Said sale shall not be effected for less than the minimum price fixed on the respective lots; *And provided further,* Said commissioners may require the purchasers to pay cash sufficient to pay the necessary expenses of said sales.

Sales, how made.

Proviso.

SEC. 4. Be it further enacted, That upon such sales the purchasers shall execute their notes for the purchase-money as above provided, with two good securities, which notes shall be payable to the Governor of the State of Alabama, and his successors in office, and be by the said commissioners placed in the hands of the judge of probate of Sumter county, who shall forward the said notes to the auditor of State, whose receipt therefor shall be filed in the office of said judge of probate.

Purchasers to give notes with securities

How payable.

Patent authorized.

SEC. 5. Be it further enacted, That upon the payment of said notes, the Governor of the State of Alabama is authorized to issue his patent, conveying said lands

to the respective purchasers thereof, their heirs or assigns.

SEC. 6. *Be it further enacted*, That said commissioners are hereby authorized to receive the receipt for such sum or sums of money for the use, occupation or rent of said sixteenth section, or any part thereof, as they may agree upon with those who may have occupied or used the same; and if the said commissioners, and such person or persons, cannot agree upon the amount, the said commissioners are hereby authorized to sue for and recover the same; *Provided*, The defendants shall not be entitled to the benefits and statutes of limitation.

Commissioners to receipt for moneys.

SEC. 7. *Be it further enacted*, That the commissioners, upon the receipt of any moneys, after paying all necessary expenses, shall pay the same to the treasurer of the State of Alabama to the credit of the sixteenth section.

Moneys, how paid.

SEC. 8. *Be it further enacted*, That said commissioners, before they enter upon their duties as commissioners, shall make an oath before the said judge of probate that they will faithfully perform all the duties prescribed by this act, and shall give bond and security in the sum of five thousand dollars, payable to the Governor of the State of Alabama, and his successors in office, conditioned for the faithful performance of their duties.

Oath.

Bond.

SEC. 9. *Be it further enacted*. That nothing in this act shall be so construed as to prevent or prohibit such purchasers from paying cash at the time of purchasing, or from redeeming their notes before maturity.

Purchasers may pay cash.

Approved, March 2, 1870.

No. 247.]

AN ACT

For the relief of Thomas M. Geer and Nancy E. Geer, minors, of Cleburne county, of non-age.

Be it enacted by the General Assembly of Alabama, That Thomas M. Geer and Nancy E. Geer, minors, of Cleburne county, be, and they are hereby relieved of the disabilities of non-age, and are authorized and empowered to receive and receipt the administrator of the estate of Willis Geer, deceased, their father, their distributive share of said estate.

Disabilities of non-age removed.

Receipt binding.

SEC. 2. *Be it further enacted*, That the said Thomas M. and Nancy E. Greer shall be bound, after they arrive at the age of twenty-one years, by the receipts given to the administrator of their father's estate, as fully as if they had receipted for and received the same after they were twenty-one years of age

Approved, March 3, 1870.

No. 248.]

AN ACT

To amend section 12 of an act entitled "An act to incorporate the Warrior Bridge Pontoon and Ferry Company," approved, February 16th, 1867.

Sec. 12 recited

Be it enacted by the General Assembly of Alabama,

That section 12 of the above recited act, which is in words and figures as follows, to-wit: "Sec. 12. *Be it further enacted*, That if the said company shall, in good faith, commence the building of the bridge authorized by this act, by the 15th day of February, 1869, and shall not have completed the same within ten years from the last named date, then, and in that event, this act of incorporation shall cease to be of force, and said company shall not be afterwards authorized to enjoy any of the privileges hereby conferred; and all the right or privilege of using a pontoon bridge or ferry shall cease; but after said bridge shall be completed, should the same be from any cause destroyed, or should need repair, so as to stop or prevent crossing on the same, the said company may use a ferry or pontoon bridge until the main bridge is rebuilt and repaired, as the case may be," and the same is hereby amended as follows, to-wit: Strike out the amendment figures 1869, and insert 1875.

Amendment.

Approved, March 2, 1870.

No. 249.]

AN ACT

To amend section twenty-six of an act entitled "An act to regulate elections in this State," approved, October eighth, eighteen hundred and sixty-eight, which is in the following words and figures: "Sec. 26. Be it further enacted, That the inspecting, or those acting, must, before opening the polls, select two persons to act as clerks, who shall be paid three dollars per diem each for every day's service, by the county treasurer, when furnished with a certificate from the inspectors of elections." Sec. 26 recited

Be it enacted by the General Assembly of Alabama, That the above recited section twenty-six of an act entitled "An act to regulate elections in this State," approved, October eighth, eighteen hundred and sixty-eight, be, and the same is hereby repealed, and that the following section be inserted in lieu thereof: "Section twenty-six. Be it further enacted, That the inspectors, or those acting as such, must, before the opening of the polls, select two clerks, each of whom shall be paid one dollar and one-half per diem, and the inspectors shall each be paid one dollar per diem, and the returning officer shall also receive one dollar and one-half per diem, and also five cents per mile in going and returning from the county site, in making his returns, upon their making oath before the county treasurer or justice of the peace of the county in which they reside." Section 26 repealed.

Amendment.

Two clerks.

Compensations.

Mileage.

Approved, March 2, 1870.

No. 250.]

AN ACT

To make Nancy Vanzandt, wife of G. W. Vanzandt, of Calhoun county, Mrs. Nanny Alston, of Macon county, and Mrs. Hannah Chaudron, wife of J. G. Chaudron, of Talladega county, free dealers.

Be it enacted by the General Assembly of Alabama, That Nancy Vanzandt, wife of G. W. Vanzandt, of Calhoun county, Mrs. Nanny Alston, of Macon county, and Mrs. Hannah Chaudron, wife of J. G. Chaudron, of Talladega county, be, and they are hereby declared free Free dealers.

dealers, with all the rights and liabilities as if they were *femme soles*.

Approved, March 2, 1870.

No. 251.]

AN ACT

To authorize B. O. Masterson, Aaron B. Masterson, and their associates, to erect a dam across Town Creek, at or near the mouth of Masterson's creek, in Lawrence county.

May erect a
dam.

Location.

Height of dam

Liablie for
damages.

Be it enacted by the General Assembly of Alabama, That B. O. Masterson, Aaron B. Masterson, and their associates, be, and they are hereby authorized to erect a dam across town creek, in Lawrence county, at or near the mouth of Masterson's creek, it being on the southwest quarter of section twenty-nine, in township five, range nine, west, of meridian of Huntsville; said dam not to be raised above the height of five feet, for the purpose of running a grist and saw mill and cotton gin.

SEC. 2. *Be it further enacted,* That the said parties named in section one of this act, and their associates, shall be liable for all damages done by the overflow of lands belonging to other parties.

Approved, March 3, 1870.

No. 252.]

AN ACT

In reference to the incorporation of the Orphans' Home of the Synod of Alabama.

Preamble.

Act recited.

Be it enacted by the General Assembly of Alabama, Whereas, an act of the General Assembly of the State of Alabama, entitled "An act to incorporate the Orphans' Home of the Synod of Alabama," approved on the twelfth day of December, Anno Domini, eighteen hundred and sixty-four, is in the words and figures following, to-wit: "An act to incorporate the Orphans' Home of the Synod of Alabama. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John

Whiting, Arthur M. Small, Thomas A. Hamilton, Chas. A. Stillman, Jonathan Bliss, Robert B. White, Daniel Wheeler, James K. Hazen, and William B. Bell, and their successors in office, to be chosen or appointed as hereinafter provided, be, and they are hereby constituted a body corporate and politic under the name and style of "The Orphans' Home of the Synod of Alabama," and by that name shall have continual succession, and may sue and be sued, contract and be contracted with, and have and use a common seal, and may own and hold, by gift, devise, bequest and purchase real and personal estate, money and choses in action, to the value of not exceeding one million of dollars, and the same may sell, convey and reinvest. Section second, Be it further enacted, That the persons named in the first section of this act, and their successors in office, shall hold their office, at the pleasure of the Synod of the Presbyterian Church of Alabama, and they and their successors in office shall be subject to and governed by such rules or regulations and by-laws as may, from time to time, be prescribed or adopted for their government by the Synod of the Presbyterian Church of Alabama; the said Synod shall have power to enact and establish, and repeal and alter, at pleasure, all such rules, regulations or by-laws, as they may deem proper for the government of said corporation and the management of its affairs; *Provided*, That such rules, regulations or by-laws, be not inconsistent with the purposes of said corporation, or contrary to the constitution or laws of this State, or the Confederate States. Section third. Be it further enacted, That said Synod shall have power to appoint such officers of said corporation as said Synod may deem necessary and proper, and prescribe the duties of such officer or officers, and may also prescribe the tenure of office of the persons named in the first section of this act, and their successors, and may elect or appoint officers of said corporation annually, or at such other periods as the said Synod may ordain or determine; and may fill all vacancies which may occur, or provide the mode of filling such vacancies, and said Synod shall have power, at pleasure, to increase or reduce the number of officers herein provided for. Section four. Be it further enacted, That no misnomer or mis-description of said corporation in any will, deed, gift, grant, or other instrument of conveyance or contract, shall in anywise

defeat or vitiate the same, but the same shall take effect in like manner as if said corporation were rightfully named, and all the property of said corporation shall be exempted from taxation. Section five. Be it further enacted, That the charter granted by this act shall not fail or be forfeited by the failure or refusal of any person or persons, to act as officers, or by failure to elect or appoint officers at the times or periods which may be prescribed for that purpose, approved, December twelfth, eighteen hundred and sixty-four." That the words "Confederate States," at the close of the said second

Amendment.

section of said act, be stricken out, and the words "United States" be inserted in place thereof, and that said charter, as so amended, be in all respects confirmed.

SEC. 2. *Be it further enacted*, That the said Orphans' Home be invested with all the power and authority of a father in reference to the children committed to its charge, and it may, by its proper officer or officers, agent or agents, by indentures or otherwise, place any child or children in such situation or situations as said officer or officers, agent or agents, may deem favorable for their learning trades or becoming acquainted with other useful employments. But the provisions of this section may be repealed or modified by this or any subsequent Legislature.

Powers of
Orphans Home

Approved, March 3, 1870.

No. 253.]

AN ACT

To authorize the commissioners court of Sanford county to levy a special tax for the purpose of building a court house in said county.

Be it enacted by the General Assembly of Alabama, That the commissioners court of Sanford county be, and they are hereby authorized to levy a special tax, not to exceed fifty per cent. on the State tax, for the purpose of erecting a court house in said county, to be applied according to the law which applies in relation to the building the court house in said county of Sanford.

Special tax
authorized.

Objects.

Approved, March 3, 1870.

No. 254.]

AN ACT

To authorize Mrs. Augusta A. Depree, of Baker county, to sell the real estate belonging to the estate of her late husband, James L. Depree, deceased.

Be it enacted by the General Assembly of Alabama, That Mrs. Augusta A. Depree, of Baker county be, and is hereby authorized to sell all of the real estate belonging to the estate of her late husband, James L. Depree, deceased, and make a deed to the same, under the power hereby granted, any law to the contrary notwithstanding. May sell real estate.

Approved, March 3, 1870.

No. 255.]

AN ACT

For the relief of Cornelia Oliver, of Cherokee county.

Be it enacted by the General Assembly of Alabama, That Cornelia Oliver, of the county of Cherokee, a minor, under twenty-one years of age be, and she is hereby empowered to contract and enter into engagements and agreements, and is also authorized to sue and is made liable to be sued, in the same manner and to the same extent as if she were of the full age of twenty-one years. Disabilities of non-age removed.

SEC. 2. *Be it further enacted,* That the said Cornelia Oliver be bound by all contracts and engagements entered into by her, as fully as if she were over twenty-one years of age. Bound by her contracts.

Approved, March 3, 1870.

No. 256.]

AN ACT

To change the name of the Alabama Transit Company.

Whereas, a company has been organized under an act entitled "An act to provide for the creation and regulation of Railroad Companies in the State of Alabama," approved, December twenty-ninth, eighteen hundred Preamble.

and sixty-eight, under the name and style of "The Alabama Transit Company," to build a railroad from or near Elyton, Alabama, to or near Aberdeen, Mississippi, through the counties of Fayette, Jefferson, Walker and Jones in this State; and

Whereas, it is the desire of the president and directors of said company to change the name of said company; therefore,

Be it enacted by the General Assembly of Alabama,
Name changed That the name and style of the Alabama Transit Company shall be changed to that of "The Elyton and Aberdeen Railroad Company," and under that corporate name said company may sue and be sued, and shall have
Franchises. all the rights and privileges, and be subject to all the liabilities imposed by the act authorizing the creation and regulation of railroad companies in the State, under which act the said Alabama Transit Company was organized.

Right extended. SEC. 2. *Be it further enacted,* That said company shall have the right to construct their road through the county of Sanford, in this State.

Approved, March 3, 1870.

No. 257.]

AN ACT

To declare William Russell, of Geneva county, a liner between said county and Coffee, a citizen of Coffee county.

Be it enacted by the General Assembly of Alabama,
Boundary changed. That William Russell, of Geneva county, a liner between said county and Coffee, be, and he is hereby declared a citizen of Coffee county, and that the boundary line between the counties of Geneva and Coffee, be so changed as to include the south-east quarter of section twenty-six, township three, range nineteen, in the county of Coffee, and the same is hereby so changed.

Contravening laws repealed. SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of section first of this act be, and they are hereby repealed.

Approved, March 3, 1870.

No. 258.]

AN ACT

For the relief of certain parties in the county of Colbert.

Whereas, in the year eighteen hundred and sixty-seven, the commissioners court of Colbert county did levy a special county tax for the purpose of building a jail, and so forth, and a portion of the citizens paid the same and others did not ; and

Preamble.

Whereas, the amount that was collected never having been appropriated to the building of the said jail ; therefore,

Be it enacted by the General Assembly of Alabama, That the commissioners court of Colbert county are hereby authorized and required to refund the amount of special tax collected from a portion of the citizens of said county, in the year eighteen hundred and sixty-seven, or to allow them a credit on their county tax assessed against them for the year eighteen hundred and seventy, for said amount of special tax paid by said parties.

Special tax to be refunded.

SEC. 2. *Be it further enacted,* That any one producing the tax collector's receipt of Colbert county for the year eighteen hundred and sixty-seven, showing that they have paid the said special tax, shall be sufficient evidence to entitle the party to a credit on his or her county tax for the year eighteen hundred and seventy, or if it shall appear that the receipt so held is of a greater amount than his or her county tax will be for the year eighteen hundred and seventy, then to an order on the treasurer for the amount.

Evidence of payment.

How refunded.

SEC. 3. *Be it further enacted,* That persons desirous to avail themselves of the benefit of this act must make application either to the commissioners court or to the tax collector of Colbert county on or before the thirty-first day of December, eighteen hundred and seventy, or otherwise they are not entitled to the benefit of this act.

Application, how made.

Approved, March 3, 1870.

No. 259.]

AN ACT

To authorize Mrs. Mary Moats, of Baker county, to sell real estate belonging to the estate of her late husband, Duncan Moats, deceased.

May sell real
estate.

Be it enacted by the General Assembly of Alabama, That Mrs. Mary Moats, of Baker county, be, and is hereby authorized to sell all of the real estate now belonging to the estate of her late husband, Duncan Moats, deceased, and make a deed to the same under the power hereby granted, any law to the contrary notwithstanding.

Approved, March 3, 1870.

No. 260.]

AN ACT

To regulate the mileage of commissioners of roads and revenue in the counties of Franklin and Colbert.

Mileage of
commissioners

Be it enacted by the General Assembly of Alabama, That the members of the court of county commissioners in the counties of Franklin and Colbert shall receive fifteen cents per mile for each mile traveled in going to and returning from the court of county commissioners.

When to take
effect.

SEC. 2. *Be it further enacted,* That this act shall take effect from and after its passage and approval.

Approved, March 3, 1870.

No. 261.]

AN ACT

To amend section 8 of an act entitled "An act to incorporate the town of Mount Hope, in Lawrence county," approved, February 17th, 1854.

Sec. 8 recited.

Be it enacted by the General Assembly of Alabama, That section eight (8) of an act entitled "An act to incorporate the town of Mount Hope, in Lawrence county," approved, February 17th, 1854, and which is in the words following, viz: "Section eight (8), That it shall not be lawful for any person or persons to vend or

retail ardent spirits or any kind of intoxicating liquors within three miles of the centre of said town ; any person or persons so offending shall forfeit and pay to said corporation the sum of one thousand dollars, to be recovered by action of debt in the name of said corporation, and such offender or offenders shall, moreover, be subject to indictment for the same, under the penalties prescribed by law against persons retailing spirituous liquors without license," be, and the same is hereby amended by adding thereto the following: "*Provided*, ^{Amendment in favor of licensed druggists.} That it shall be lawful for licensed druggists to sell the same when prescribed by practicing physicians for medicinal purposes."

Approved, March 3, 1870.

No. 262.]

AN ACT

To pay the Board of Equalization of Madison county.

Be it enacted by the General Assembly of Alabama, That the probate judge of Madison county be authorized to draw his warrant on the treasurer of said county for the payment of each of the members of the board of equalization of said county and their clerk, at the rate of four dollars per day for their services for the time occupied by them in the discharge of their duty in the equalization of the real and personal property in said county. ^{Payment of the board of equalization and clerk authorized.}

Approved, March 3, 1870.

No. 263.]

AN ACT

To establish a medical board in Lawrence county.

Be it enacted by the General Assembly of Alabama, That in addition to the medical boards now established in this State, there shall be a medical board established by law in Lawrence county, and that said medical board shall adopt the code of ethics of the American Medical Association, and must admit as members none but regular graduates of reputable medical colleges. ^{Medical board established. Code of ethics Members.}

Members of board.	SEC. 2. <i>Be it further enacted</i> , That Doctors W. B. Irwin, B. O. Masterson, and Crowe, of said county, are hereby constituted said board, and to be styled the
Name and style.	"Medical Board of the County of Lawrence." Said board shall meet at least four times in each year at the
Meetings.	county seat of said county, or oftener if they desire, and a majority of said board shall constitute a quorum,
Quorum.	and shall have power to fill any vacancy that may occur in said board; by death, resignation or otherwise.
Jurisdiction.	SEC. 3. <i>Be it further enacted</i> , That the jurisdiction of said board shall extend over the entire county of
Licenses valid	Lawrence, and the licenses granted by said board shall be good and valid, and extend over the entire State.
Who may practice.	No physician shall be allowed to practice medicine or surgery in any part of said county unless he first procures a license from said board, unless such physician has procured his license from some other legal board, or is a graduate of some medical college, and has his diploma ; and for each license granted by said board they shall be entitled to the fee of five dollars, to be paid by the person obtaining said license.
Fee for license	
Botanic system not effect- ed.	SEC. 4. <i>Be it further enacted</i> , That nothing in this act shall be so construed as to affect the rights or privileges of those who may practice the botanic system, as now prescribed by law.
Licenses, how signed.	SEC. 5. <i>Be it further enacted</i> , That all licenses granted by this board must be signed by the president of the board, and countersigned by the secretary, and by the judge of probate of the county in which said medical board is established ; and the name of the person and branches in which he is licensed to practice, must be registered in his books, for which registration such judge shall be entitled to a fee of fifty cents ; <i>And provided</i>
When to take effect.	<i>further</i> , That the above act shall have full force and effect, on condition only, that there is already no other medical board legally existing in said county.
	Approved, March 3, 1870.

No. 264.]

AN ACT

To regulate the appointment of Receivers in Chancery.

Be it enacted by the General Assembly of Alabama,

That in all cases of appointment of receivers in chancery by the several chancellors in this State, said receiver or receivers shall be resident citizens of this State; and when any such appointment may have been heretofore made, and the appointee shall have removed from the State, he thereby vacates his office, and the same shall be so declared by the chancellor, on motion of any party in interest and satisfactory proof made.

Qualifications
of receivers.

SEC. 2. *Be it further enacted*, That no receiver so appointed shall have the right to receive any of the assets of the estate for which he was appointed, until he gives bond in double the value of the estate, both real and personal, with two good securities, to be approved by the register.

Must give
bond.

Approved, March 3, 1870.

No. 265.]

AN ACT

To legalize an election held in the county of Blount, and State of Alabama, on the fourth and fifth days of February, 1868.

Be it enacted by the General Assembly of Alabama, That an election held in the county of Blount, and State of Alabama, on the fourth and fifth days of February, 1868, be and the same is hereby declared legal, and those persons running for office in said county, and receiving the greatest number of votes at said election, are hereby declared duly elected.

Election le-
galized.

Approved, March 3, 1870.

No. 266.]

AN ACT

To ratify the elections held in the town of Greensboro and Eutaw, and in the counties of Hale, Greene, and Pickens, to subscribe stock to the Selma, Marion and Memphis railroad company.

Be it enacted by the General Assembly of Alabama, That the election held in the town of Greensboro, on

Elections legalized.

Greensboro.

the twenty-eighth day of June, in the year 1869, at which election the qualified electors of said town of Greensboro, by a vote of one hundred and sixty-four (164) votes for "subscription," and one (1) for "no subscription," voted to subscribe fifteen thousand (\$15,000) dollars of stock in the bonds of said town of Greensboro, to the Selma, Marion and Memphis railroad company; and that the election held in the town of Eutaw, on the fourteenth day of September, in the year 1869, at which election the qualified electors of said town of Eutaw, by a vote of ninety-eight (98) votes for "subscription," and thirty-five (35) votes for "no subscription," voted to subscribe twenty thousand (\$20,000) dollars of the stock in the bonds of said town of Eutaw, to the Selma, Marion and Memphis railroad company; and that the election held in Hale county, on the thirteenth day of July, in the year 1869, at which election the qualified electors of said county of Hale, by a vote of twenty-two hundred and sixty (2260) votes for "subscription," and three hundred and one (301) votes for "no subscription," voted to subscribe sixty thousand (\$60,000) dollars of stock in the bonds of the said county of Hale to the Selma, Marion and Memphis railroad company; and that the election held in Greene county on the fourteenth day of September, in the year 1869, at which election the qualified electors of said county of Greene, by a vote of ten hundred and eleven (1011) votes for "subscription," and five hundred and fifty (550) votes for "no subscription," voted to subscribe eighty thousand (\$80,000) dollars of stock in the bonds of the said county of Greene, to the Selma, Marion and Memphis railroad company; and that the election held in Pickens county on the third day of August, in the year 1869, at which election the qualified electors of said county of Pickens, by a vote of twelve hundred and twelve (1212) votes for "subscription," and six hundred and seven (607) votes for "no subscription," voted to subscribe one hundred thousand dollars of stock in the bonds of the said county of Pickens to the Selma, Marion and Memphis railroad company; all of said counties and towns being in the State of Alabama; and a majority of the votes cast at each of said elections being for "subscription," and sufficient, by the law under which said elections were held, said elections are, and each of them is hereby

Eutaw.

Hale.

Greene.

Pickens.

ratified and made valid in all respects and particulars. Ratification.
 Approved, March 3, 1870.

No. 267.] AN ACT

To repeal an act entitled "An act to prohibit the sale of spirituous and intoxicating liquors within two miles of the academy and church near Alfred Collins', in DeKalb county."

Be it enacted by the General Assembly of Alabama,
 That an act entitled "An act to prohibit the sale of spirituous and intoxicating liquors within two miles of the academy and church near Alfred Collins', in DeKalb county," approved, December the third, eighteen hundred and sixty-six, be, and the same is hereby repealed.
 Approved, March 3, 1870.

No. 268.] AN ACT

To regulate the time of holding the courts of the first judicial circuit.

Be it enacted by the General Assembly of Alabama,
 That from and after the first day of July, 1870, the circuit court for the first judicial circuit, shall be held at the following times in their respective counties composing the same—commencing in the county of Perry, on the first Monday in March and September, and may continue four weeks; in the county of Hale, on the first Monday after the fourth Mondays in March and September, and may continue three weeks; in the county of Bibb, on the fourth Monday after the fourth Monday in March and September, and may continue one week; in the county of Dallas, on the fifth Monday after the fourth Monday in March and September, and may continue until the business is disposed of.

SEC. 2. *Be it further enacted,* That all executions, summons, subpoenas, writs and other process returnable to the circuit courts of the counties composing

Processess,
 how returna-
 ble.

said circuit, shall be returnable to the terms of said circuit courts in accordance with the provisions of this act.

Contravening
laws repealed.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 269.]

AN ACT

To amend section 1755 of the Revised Code of Alabama.

Section 1755
recited.

Be it enacted by the General Assembly of Alabama, That section one thousand seven hundred and fifty-five (1755) of the Revised Code of Alabama, which is in the words and figures following: § 1755 (1473) *Declaration in writing*.—When two or more persons are desirous of engaging in any manufacturing, mining or quarrying business, or of forming an agricultural or literary society, or a building or loan association, and of becoming incorporated, such persons must make a declaration in writing, stating—1. The name of the company and the object for which it is formed. 2. The amount of capital stock, and the number of shares into which the same is divided. 3. The names of the stockholders, and the number of shares held by each,” be amended so as to read as follows: § 1755 (1473) *Declaration in writing*.

Amendment.

When two or more persons are desirous of forming an association for charitable, religious or literary purposes for mutual aid, for manufacturing or mining purposes, or for any lawful enterprise, not inconsistent with the constitution and laws of the State, and of becoming incorporated, such persons must make a declaration in writing, stating—1. The name of the company or association, and the object for which it is formed. 2. The amount of capital stock, and the number of shares into which the same is divided. 3. The names of the stockholders, and the number of shares held by each, when the association is for profit or mutual aid, or the names of the members or trustees when the association is for the benevolent, literary or religious purposes; *Provided*, That the provisions of this section shall not be so construed as to authorize or legalize the incorporation of

Provided.

associations for carrying on gift enterprises, lotteries or games of chance of any kind whatever. Games of chance, &c., prohibited.

SEC. 2. *Be it further enacted*, That section one thousand seven hundred and fifty-five (1755) of the Revised Code of Alabama, as it now stands, be and the same is hereby repealed. Section 1755 repealed.

Approved, March 3, 1870.

No. 270.]

AN ACT

To authorize the court of county commissioners of Bibb county to issue and sell county bonds.

Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Bibb county be, and is hereby authorized to issue bonds of said county, not to exceed five thousand dollars, to build a bridge across the Cahaba river, at or near Centreville in said county; said bonds to bear interest at the rate of eight per cent. per annum, to be paid annually at the county treasury, with coupons attached; said bonds to be payable five years after date, and redeemable at the treasury of the county. May issue bonds. Objects:

SEC. 2. *Be it further enacted*, That said bonds may be issued in sums of not less than fifty dollars. They shall be signed by the judge of probate and county treasurer, and have the county seal attached to each. The coupons shall be signed and numbered by the county treasurer, who shall keep a correct account of all bonds issued and disposed of under this act, the principal of which bonds shall be payable at the county treasury, and may be transferred by delivery, and the faith and credit of the said county of Bibb is hereby pledged for the payment of the principal and interest of said bonds, as the same shall become due under the provisions of this act. Denomination of bonds. Coupons.

SEC. 3. *Be it further enacted*, That said court of county commissioners shall annually levy and collect a special tax sufficient to pay the interest on all of said bonds that may be issued, and may provide a sinking fund to pay the principal, and such fund shall not be applied to any other purpose whatever. Tax for interest and principal.

Approved, March 3, 1870.

No. 271.]

AN ACT

To amend the third section of an act to incorporate the annual Alabama Conference of the Methodist Episcopal Church, South, approved, February twenty-seventh, eighteen hundred and fifty-two.

Be it enacted by the General Assembly of Alabama,
 That the third section of an act to incorporate the annual Alabama Conference of the Methodist Episcopal Church, South, be, and the same is hereby amended so that it shall read as follows: "Section third. *Be it further enacted,* That the said corporation may receive and hold real and personal property to the value of fifty thousand dollars, to be employed under the direction of the said trustees for the advancement of the interests of religion and education, and for charitable purposes; and may organize any number of conferences within this State, designating them by such name or names as they may deem proper, and such conferences shall have and exercise all of the rights, franchises, powers, privileges, duties and immunities to the same extent in every respect as the said annual conference of the Methodist Episcopal Church, South.

SEC. 2. *Be it further enacted,* That this act shall be of force on the day of its passage.

Approved, March 3, 1870.

No. 272.]

AN ACT

To authorize the commissioners court of the county of Madison to pay the assessor.

Be it enacted by the General Assembly of Alabama,
 That the court of commissioners of roads and revenue of the county of Madison be, and they are hereby authorized and required to compensate the assessor of taxes for said county for any extra services he may have performed in making lists of lands required by section thirty-eight, "Revenue Law," to an amount the said court are satisfied said assessor may be entitled to.

Approved, March 3, 1870.

No. 273.]

AN ACT

To amend an act entitled "An act to incorporate Uniontown, in Perry county, Alabama."

Be it enacted by the General Assembly of Alabama,
That section two of an act entitled "An act to incorporate Uniontown, in Perry county, Alabama," approved, February seventh, eighteen hundred and seventy, which reads as follows: "Section second. Be it further enacted, That the corporate limits and boundaries of the town of Uniontown, in the county of Perry, shall be, and the same are hereby designated and established, as follows: That the corporate limits of said town embrace one-half mile square, the public cistern where it now is to be the centre of the same, and the lines defining said corporate limits to be run east and west, north and south," be amended by striking out the word "half," where it occurs in said section, so that it will be read, when amended, as follows: Section two. Be it further enacted, That the corporate limits and boundaries of the town of Uniontown, in the county of Perry, shall be, and the same are hereby designated and established, as follows: That the corporate limits of said town embrace one mile square, the public cistern, where it now is, to be the centre of the same, and the lines defining said corporate limits to be run east and west, north and south.

Sec. 2 recited.

Amendment.

Corporate limits.

Approved, March 3, 1870.

No. 274.]

AN ACT

To authorize the court of county commissioners of Butler county, Alabama, to levy a special tax for the purpose of repairing and enlarging the court-house of said county.

Be it enacted by the General Assembly of Alabama,
That the court of county commissioners for Butler county, Alabama, are hereby authorized and empowered to levy a special tax, not exceeding twenty-five per cent. on the State taxes of said county, to be levied, assessed and collected for the year A. D. 1870, for the purpose

Special tax authorized.

of repairing and enlarging the court-house of said county.

Levy to be made in April. Sec. 2. *Be it further enacted*, That said levy shall be made by said commissioners court at the April term thereof, A. D. 1870, and immediately thereafter said court, by commissioners appointed by it, shall proceed to let out the necessary work to be done to the lowest bidders, and plans and specifications in writing, taking **Contract for work.** bond and security from contractors for the faithful execution of the work; said work to commence by the fifteenth of May, and be completed by the first of November, A. D. 1870, and which shall be paid for out of the special tax to be levied as provided for in the first section of this act.

Warrants, how drawn. SEC. 3. *Be it further enacted*, That all orders or warrants drawn by the authority of the commissioners court of said county on said special tax to be levied and collected in payment of said work, or any part thereof, shall be denominated and numbered "Court-house Warrants," and shall be receivable by the tax collector of Butler county in payment of county taxes for said county for the year 1870, and which warrants may be issued by said court, or under its direction, any time after the first day of September, A. D. 1870, to the contractors for said work, according to contract.

Approved, March 3, 1870.

No. 275.]

AN ACT

To extend the jurisdiction, powers and duties of the Harbor Master and Port Wardens of Mobile.

Jurisdiction extended. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, all laws and parts of laws creating a harbor master and port wardens for the port of Mobile, be, and the same are hereby made to extend to and include all vessels coming into the bay of Mobile, and said harbor master and port wardens shall discharge the same duties to, and receive from said vessels the same fees as though they were lying at the wharves of the city of Mobile.

SEC. 2. *Be it further enacted*, That from and after the passage of this act, the words "tonnage dues," when-

ever they occur in the city charter and code of ordinances, and in all of the acts relating to the harbor master and port wardens of the city of Mobile, shall be stricken out, and in lieu thereof, the words "harbor fees" inserted, and that the number of such port wardens, their fees and rates of compensation in the city and bay of Mobile, shall be changed and fixed by the corporate authorities, as they may deem necessary and expedient.

"Tonnage dues" changed to "harbor fees."

Fees.

SEC. 3. *Be it further enacted*, That the harbor master shall be appointed by the Governor immediately after the passage of this act, and he shall hold office for the term of three years, and he shall appoint the wardens deemed necessary to assist him in the discharge of his duties.

Harbor master

SEC. 4. *Be it further enacted*, That the said harbor master and wardens shall, in their official capacity, be constituted as a board of commissioners of pilotage.

Board of commissioners of pilotage.

SEC. 5. *Be it further enacted*, That from and after the passage of the foregoing enactments, all other laws or parts of laws which are now in conflict with this act, are hereby repealed and revoked.

Conflicting laws repealed.

Approved, March 3, 1870.

No. 276.]

AN ACT

To repeal sections twelve, thirteen and fourteen of an act entitled "An act to provide for the registration of electors," approved October 5th, 1868, and for other purposes.

Be it enacted by the General Assembly of Alabama, That sections twelve, thirteen and fourteen of an act to provide for the registration of the electors of this State, approved October 5th, 1868, are hereby repealed.

Sections 12, 13 and 14 repealed.

SEC. 2. *Be it further enacted*, That it shall be the duty of the returning officer of each election precinct, to attend, on the day of election, at some place convenient, but not nearer than one hundred feet to the polls, and as a special registrar, and in the manner as now provided by law for registration before the probate judge, register the names of all persons who shall apply for registration, and who for any cause shall have failed

Duty of returning officer

Registration of voters.

Returns. or neglected to register with the probate judge, and such returning officer shall return with the poll lists and ballot boxes, the names of all persons so registered by him to the probate judge, who shall add the same to the list of registered voters in his office.

Registration to be returned to Secretary of State. SEC. 3. *Be it further enacted*, That it shall be the duty of the probate judge of each county, to forward every three months to the Secretary of State, an alphabetical list of the names of all persons registered by him during the said period of three months, as well as those returned to him by the returning officers of his county.

Compensation SEC. 4. *Be it further enacted*, That returning officers, in addition to the compensation now allowed to them by law, shall receive the sum of two dollars for services required of them by this act.

No registration lists to be used at election. SEC. 5. *Be it further enacted*, That it is the intent and meaning of this act that no registration lists shall be used by any inspector or other officer of elections, on the day of election, for the purpose of determining who may, or may not vote, and any person attempting to interfere in any manner with any other person who may desire to vote, shall be deemed guilty of a misdemeanor, and punished in the same manner as now provided for in the election laws.

Penalty for interfering with voters. SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 277.]

AN ACT

For the relief of Forney Academy, in Blount county, Alabama.

Sale of liquors prohibited. *Be it enacted by the General Assembly of Alabama*, That from and after the approval of this act, it shall not be lawful for any person to sell spirituous liquors of any kind within two miles of Forney Academy, in Blount county, Alabama, except for medicinal purposes, as prescribed by a physician.

Penalty for violation. SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act, and

upon indictment, shall, on conviction thereof, be fined not less than fifty dollars for every such conviction.

SEC. 3. *Be it further enacted*, That all laws and parts ^{Contravening} of laws contravening the provisions of this act are hereby ^{laws repealed.} repealed.

Approved, March 3, 1870.

No. 278.]

AN ACT

To consolidate the fine and forfeiture fund of Perry county with the general fund of said county.

Be it enacted by the General Assembly of Alabama, That the fine and forfeiture fund of Perry county, be, ^{Consolidation of funds.} and the same is hereby consolidated with the general fund of said county, any law to the contrary notwithstanding.

Approved, March 3, 1870.

No. 279.]

AN ACT

To revive, continue in force and amend an act entitled "An act to incorporate the Grand and Subordinate Divisions of the order of the Sons of Temperance of the State of Alabama," approved, February 20th, 1848.

Be it enacted by the General Assembly of Alabama, That an act entitled "An act to incorporate the Grand ^{Act revived.} and Subordinate Divisions of the order of the Sons of Temperance of the State of Alabama," approved, February 20th, 1848, is hereby revived and declared of force from and after this date; said act is in words as follows: ^{Act recited.} An act to incorporate the Grand and Subordinate Divisions of the order of Sons of Temperance of the State of Alabama. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in ^{Corporation.} General Assembly convened*, That J. McCaleb Wiley, Grand Worthy Patriarch, and others, the officers and members of the Grand Division of the order of the Sons of Temperance of the State of Alabama, and the Sub-

Franchises.

Subordinate divisions.

May receive legacies, &c.

In case of suits at law.

ordinate Divisions under its jurisdiction, and the several persons who now are or shall hereafter be members respectively of said grand division or the subordinate divisions under its jurisdiction, shall be and they are hereby declared to be bodies politic and corporate in name and deed—the grand division by the name and style of “The Grand Division of the order of the Sons of Temperance of the State of Alabama and its temperance jurisdiction”—the subordinate divisions, by their respective names and numbers, and by their names shall have perpetual succession of officers and members, and each member a common seal with power to change, alter and make new the same as often as said corporation shall judge expedient. Section 2. Be it further enacted, That the said society, and the several divisions under its jurisdiction, shall each be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself in perpetuity, or for any term of years, any lands, tenements or hired tenements of what kind or nature soever, not exceeding the value of twenty thousand dollars, and to sell, alien, exchange, devise or lease the same, or any part thereof, as the said corporation shall think proper, and by their respective names to sue and be sued, plead and be impleaded, answer and be answered, and to defend and be defended in any court in this State, of what kind soever, and to make such rules, orders and by-laws, not repugnant to the laws of this State, as may be necessary for the order, rule, good government and management of the same; and it shall be lawful for said grand division to constitute subordinate divisions, and to do all other things which may be necessary for the promotion of the interests of the order. Section 3. Be it further enacted, That it shall be lawful for said corporations each to take and hold forever any charitable donation or devises and bequests of lands not exceeding the value of ten thousand dollars, and to appropriate the same for their respective benefits in such manner as they may determine. Section 4. Be it further enacted, That in all suits or actions brought by or against any of the said corporations hereby created, in any court of law or equity in this State, it shall not be necessary for their attorney or counsellor to produce the seal of the corporation which he represents, or a power of attorney under the seal of said

corporation, to authorize him to appear and prosecute or defend any suit or action in their behalf, and the courts of law and equity aforesaid shall in all cases recognize their attorney or counsellor in the same manner as in suits between individuals. Sec. 5. Be it further enacted, That this act shall be deemed and taken as a public act, and notice thereof shall be taken in all courts of justice and elsewhere in this State, and shall be given in evidence in any trial of any kind or cause, without special pleading, and shall be liberally construed for fully carrying into effect the beneficial purposes hereby intended," approved, February 20th, 1848.

SEC. 2. *Be it further enacted*, That any two or more members of any of the old subordinate divisions of the Sons of Temperance, and such other persons as they may associate with, these may reorganize the same under the name of such division as it existed formerly or prior to the suspension of said subordinate division. And such organizations or reorganizations, when made, are hereby declared bodies politic and corporate, and by the said name may purchase, sell and own estate, real and personal, or mixed, may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State; may have and use a common seal, and may pass such by-laws, rules and regulations for the good government of the same, as may be deemed expedient, where the same do not conflict with the laws of the State or the United States.

SEC. 3. *Be it further enacted*, That such subordinate divisions, reorganized as aforesaid, are hereby declared the legal successors of the subordinate divisions located in the same county, and which bore the same name prior to its suspension as aforesaid; and such new subordinate division may, in its corporate name, collect and receipt for, sue and recover in any of the courts of this State, any and all estate, real, personal or mixed, moneys, certificates of stock, with the accumulated interest thereon, or rents or profits growing out of the same, which formerly belonged in any manner to said old division, and which may now be held by any person or persons claiming to hold the same, or holding it as trustees or otherwise, or in any manner on account of said division as it formerly existed as aforesaid. And the receipt of the treasurer and presiding officer, or said reorganized division, shall be ample protection to any per-

Public act.

Subordinate divisions may reorganize.

Bodies politic and corporate.

Reorganized divisions.

May recover dues.

son or persons holding said assets as aforesaid against any future suit for the same, or any part thereof.

Star of Hope division. SEC. 4. *Be it further enacted*, That Star of Hope Division, Sons of Temperance, as now organized in the city of Mobile, of which Samuel A. Euholm is Noble Grand, and Edward R. Adams, Secretary, be, and the same is hereby declared the legal successor, under the provisions of this act, of Star of Hope Division, No. 4, as it existed in said city prior to the late war.

Approved, March 3, 1870.

No. 280.]

AN ACT

Explanatory of section sixty-three (63), of the act entitled "An act to establish a new charter for the city of Selma."

Act recited. *Be it enacted by the General Assembly of Alabama*, That in relation to the sixty-third (63d) section of the act entitled "An act to establish a new charter for the city of Selma," approved December 4th, 1868, that the true intent and meaning of the words "that the mayor and council shall have authority to suspend or depose, by a two-thirds vote, the marshal, clerk, physician, or any officer or employee elected or appointed by them, for malfeasance in office or neglect of duty without good excuse," in the first part of section sixty-three of said act, shall be, and is, that the two-thirds vote spoken of means two-thirds of the whole number of members of the council, and not two-thirds of a quorum.

Explanation.

Approved, March 3, 1870.

No. 281.]

AN ACT

To amend section twenty-one of an act for the creation and regulation of railroad companies in the State of Alabama, so as to authorize the consolidation of railroad companies, before or after their completion.

Be it enacted by the General Assembly of Alabama, That the first sentence of section twenty-one of an act

for the erection and regulation of railroad companies in the State of Alabama, which is in the following words: Sec. 21 recited
 Be it further enacted, That whenever the lines of [any] railroad company in this State, or any portion of such lines, have been or may be constructed so as to admit the passage of burden or passenger cars over any two or more of such roads continuously, without break or interruption, such companies are hereby authorized to consolidate themselves into a single corporation in the manner following," be so amended as to read as follows: "Be Amendment.
 it further enacted, That whenever the lines of any two or more railroads, or contemplated railroad lines, chartered under the laws of this State, which, when completed, may admit the passage of burden or passenger cars over any two or more of such roads continuously, without break or interruption, such companies are hereby authorized, before or after completion, to consolidate themselves into a single corporation in the manner following." Consolidation before or after completion.

Approved, March 3, 1870.

No. 282.]

AN ACT

Explanatory of the corporation laws of Alabama.

Be it enacted by the General Assembly of Alabama,
 That when any person or persons shall have heretofore, or may hereafter apply for a charter under any of the general incorporation laws of this State, and such person or persons shall have failed, or shall fail to comply with any of the provisions of the existing laws on that subject, such person or persons shall have six months allowed them from the passage of this act, to be shown by the oath of some officer of the corporation within which to comply with such provisions, and when complied with, such incorporations shall become legal and valid from the date of their attempted organization, to all intents and purposes. Additional time allowed to perfect charter.

SEC. 2. *Be it further enacted,* That in such case, all persons, shareholders, and all other parties having had dealings with such corporation, shall be held to have ratified and approved all acts previously done, unless they file with the officers of such corporation their Acts held to have been approved.

written dissent, within sixty days after compliance with such provisions of pre-existing laws.

Capital may be increased to \$200,000.

Names and numbr of new subscribers required.

SEC. 3. *Be it further enacted,* That where any private corporation has been, or may hereafter be formed under any of the general incorporation laws of this State, and the capital stock of such corporation does not reach the sum of two hundred thousand dollars, such corporation may increase its stock to a sum which, with the stock originally subscribed, does not exceed two hundred thousand dollars, by filing an application with the Secretary of State, stating the name of the corporation whose capital is proposed to be increased, the amount of additional capital proposed, and the names of the new stockholders, and the number of shares held by each; and when a certified copy of such application is filed for record with the judge of probate of the county in which the corporation is located, such increase of stock shall be valid to all intents and purposes.

Approved, March 3, 1870.

No. 283.]

AN ACT

To establish public pounds in the county of Montgomery.

Public pound authorized.

Be it enacted by the General Assembly of Alabama, That authority be, and is hereby granted to the court of county commissioners of Montgomery county, to establish a public pound within every area of nine square miles in said county, upon the application in writing to said court of twenty-five [free]holders and house-holders within said area, and to locate such pound within said limits.

Pound keeper to be appointed.

Term of office.

SEC. 2. *Be it further enacted,* That the court of county commissioners, at the time of establishing such pounds, shall appoint a pound keeper for each public pound so established, who shall hold his office for three years from the February term of said court succeeding this appointment, unless sooner removed by said court for cause, and thereafter to appoint a successor in case of the removal or the expiration of the term of office of any public pound keeper so appointed.

SEC. 3. *Be it further enacted,* That it shall be the duty of the pound keeper to take and safely keep in such

pound all horses, mules, cattle, hogs, sheep, goats or other animals delivered to him until demanded by the owners thereof, or otherwise disposed of as hereinafter provided, and he shall keep a record of all such animals, with accurate description of all marks and brands, flesh marks and general features thereof.

Duty of pound keeper.

SEC. 4. *Be it further enacted*, That any person who finds any horse, mule, cattle, sheep, hogs or goats running at large, not in charge of a keeper, or depredating upon crops in cultivated fields, may take charge of such animals, and drive them to the public pound, and deliver them to the pound keeper as hereinbefore provided.

Estrays to be delivered to pound keeper.

SEC. 5. *Be it further enacted*, That the public pound keeper, upon the receipt of any animals above enumerated, shall notify the owners of such animals of their detention, either in writing or personally, when known to him, or if unknown, by posting notices of such detention, with a description of the animal or animals, in three public places in the pound district.

Notice to owners.

SEC. 6. *Be it further enacted*, That after ten days' notice as above, any animal then unclaimed, or against which the charges are unpaid, shall be sold at public auction, and the proceeds thereof be taken to defray the fees and charges of detention and costs of sale, and the overplus, if any, kept on deposit for six months, awaiting claimant, after which time it shall be paid into the county treasury.

Sale of animals unclaimed after ten days.

SEC. 7. *Be it further enacted*, That any owner of such impounded animal shall be permitted to take away such animal on making oath to his ownership and paying all fees, costs and charges of detention.

Animals to be delivered to owners.

SEC. 8. *Be it further enacted*, That any owner of an animal which has been sold, after due notice as hereinbefore provided, may, within the six months provided, recover the overplus of such sale upon making oath before a justice of the peace, and upon the additional testimony, on oath, of two disinterested witnesses of good character, that the animal described on the pound record was his property.

Overplus of sale to be paid to owner.

SEC. 9. *Be it further enacted*, That every person delivering any animal found as hereinbefore provided to the public pound keeper, shall receive from him one dollar for every horse, mule, or head of neat cattle, of full growth, and fifty cents for every sheep, goat or

Fees for taking up estrays.

Fees to pound
keeper.

hog so delivered, excepting the young of any animal following the mother, which shall not be counted separately, and the public pound keeper, upon delivery of any such animals to the owner thereof, shall receive double the above sums as stated, for his fees, besides all actual costs of feeding and detention, not to exceed fifty cents a day for animals of the first class, or twenty-five cents a day for animals of the second class; and he shall be entitled to a fee of fifty cents for notifying the owner in cases of the first class, and fifteen cents in cases of the second class.

Bonds re-
quired.

SEC. 10. *Be it further enacted*, That every pound keeper so appointed under the provisions of this act, shall give bond to the county in the sum of one thousand dollars for the faithful performance of all the duties imposed by this act.

Conflicting
laws repealed.

SEC. 11. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed, within the limits of Montgomery county; *Provided*, That the provisions of this act shall not apply to any stock owned in any adjoining county to Montgomery county, nor to any of the citizens of any adjoining county.

Envisio.

Approved, March 3, 1870.

No. 284.]

AN ACT

To establish a new charter for the city of Opelika.

Name and
style.

Be it enacted by the General Assembly of Alabama, That the inhabitants of the city of Opelika, present and future, shall be, and they are, by this act, made and constituted a body corporate and politic under the name and style of "The City of Opelika," under and by which name and style, and acting by and through the proper officers of said incorporation, hereafter to be designated, all the corporate powers and privileges of said city by this act granted, shall be extended and carried into effect as required; and under the corporate name aforesaid the said city corporation shall sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, borrow, receive and hold, and sell, grant and mortgage, assure or let property, real or personal; may

Franchises.

have and use a common seal, which may be broken or altered at pleasure, and may do and perform, generally, all acts incident to such incorporations, not inconsistent with the laws of the State.

SEC. 2. *Be it further enacted*, That the area of the said city of Opelika shall embrace and consist of the following described tracts, lots and parcels of land, to-wit: Sections seven (7) and eighteen (18), and the west halves of sections eight (8) and seventeen (17), in township nineteen (19), and range twenty-seven (27), and the east halves of sections twelve (12) and thirteen (13), in township nineteen (19), and range twenty-six (26). Corporate limits.

SEC. 3. *Be it further enacted*, That the government of said city shall be styled "The City Council of Opelika," and shall consist of a chief officer, to be styled "Mayor of the City of Opelika," and six aldermen, to be elected as hereinafter provided for; that every male inhabitant of said city who would be a legal voter at an election for members of the Legislature, will be a legal voter at all city elections; *Provided*, He shall have been actually or legally a resident of said city for three months next preceding the election at which he proposes to vote, and shall have paid his city tax in full of all demands and fines, and not otherwise; that the said city council shall determine and designate the place in said city to be the election precinct for each successive election, and appoint managers of the election; to such number of persons as may be deemed expedient, but in no instance fewer than two, and said city council shall have power to prescribe the manner in which all elections shall be conducted; *Provided, always*, That the votes shall be returned to the existing mayor, and by him laid before the city council, to be examined and counted; that the said city council shall be the judges of all elections, and shall have full power to determine all matters in relation thereto, and ascertain the legality of voters, and in the count shall reject all illegal votes, and count only such as are legal; and to this end they are empowered to take testimony, examine witnesses, to send for persons and papers, &c.; that when the said city council shall have decided, from the returns of any such election, who the legally elected mayor and aldermen are, the said city council shall make known such decision by publication in a newspaper or newspapers published in said city. Government.
Legal voters.
Election precinct.
Managers of elections.
Proviso.
Judges of election.

SEC. 4. *Be it further enacted,* That an election shall be held in said city of Opelika on the first Tuesday in March in each and every year, after this act goes into effect, for a mayor and six aldermen, each of whom shall be over the age of twenty-one years, shall reside at the time of said election within the corporate limits of said city, and shall be seized and possessed in his own right of five hundred dollars' worth of real estate lying within said corporate limits; that the person receiving the greatest number of legal votes, cast at such election for mayor, shall be the mayor of said city; and the six persons receiving the greatest number of legal votes, at such election for aldermen, shall be the aldermen of said city; but if two or more persons have an equal number of votes for mayor, the aldermen elect shall determine who shall be mayor; and if it so happen that, by two or more candidates receiving an equal number of legal votes for aldermen, no six persons are elected as aldermen, then the mayor and the aldermen elected shall decide, from those candidates having the greatest equal number of legal votes, who shall be the aldermen to complete the number, six; that the said mayor and aldermen shall enter into office on or from the second Tuesday in March, and shall continue in office until the same day of the following year after their election or appointment, and until their successors are duly elected and qualified; if a vacancy occur in the office of mayor or alderman by death, resignation, disability to hold office, removal or otherwise, such vacancies shall be filled by the mayor and aldermen, or by the aldermen, as the case may be, by ballot; the aldermen shall judge of the election and qualification of each alderman, and also of the election and qualification of each alderman, and in case of tie in an election for aldermen by the board, the mayor shall give the casting vote.

SEC. 5. *Be it further enacted,* That the said city council shall have power and authority to appoint a marshal, clerk and treasurer to assist the said council in the administration of the affairs of said city, who shall remain in office for the then council year, and until their successors are elected and qualified; *Provided,* That the said city council shall have power, whenever they think proper, to appoint one person to fill both offices of clerk and treasurer, and to appoint a deputy marshal when

Annual elections.

Qualifications of mayor and aldermen.

In case of tie.

Term of office.

Vacancies; how filled.

Marshal, clerk and treasurer.

Provide.

necessary, or to appoint any other officer necessary for the government of said city.

SEC. 6. *Be it further enacted*, That in no case shall any one be eligible to the office of mayor or of alderman, unless, in addition to the qualifications already mentioned, he be a qualified voter for those offices, and shall have been a *bona fide* resident of said city at least six months preceding the election, and that the removing of any officer, elected under this charter, beyond the corporate limits of said city after such election, shall be deemed and considered a vacation of his office. Disqualification.

SEC. 7. *Be it further enacted*, That in case of malpractice or incompetency from any cause whatever, on the part of either the marshal, clerk or treasurer, the city council shall have power to dismiss him from office. And in case of resignation, dismissal or disability, making a vacancy in either or any of the offices of marshal, clerk or treasurer, the said council shall forthwith fill such vacancies. Causes of removal.
Vacancies.

SEC. 8. *Be it further enacted*, That the mayor and each alderman, marshal, clerk and treasurer, before entering upon the duties of his office, shall make, in writing, and subscribe an affidavit, that he will faithfully, and to the best of his skill and judgment, perform the duties assigned to him, without favor or partiality, which affidavit shall be filed in the archives of said city; and the said marshal and his deputy, clerk and treasurer, shall give bonds to whatever amount the city council shall deem right and sufficient to guarantee a proper discharge of the duties of each office, and to protect the interests of the city in their respective charges. Oath.

SEC. 9. *Be it further enacted*, That should an election not take place on the day fixed for the annual election of mayor and aldermen, the corporation shall not, for that cause, be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the city council to fix some other day, as early as practicable, on which the said election shall be held, which election shall be conducted, in all respects, as regular elections for said offices are conducted, and should said city council fail, within a reasonable time, to provide for the holding of said election, then it shall be the duty of the probate judge of Lee county to appoint a suitable day for the holding of said election for said officers, and appoint four resi- In case of no election.

dent house-holders of said city to manage and conduct the same, which shall be done in the same manner as the regular elections provided for in this act are conducted.

Notice of election.

SEC. 10. *Be it further enacted*, That the said city council shall, for two (2) successive weeks next preceding any election provided for in this act, give notice, by publication in a newspaper or newspapers published in said city of the time of holding such election, for what officers said election is to be held, the point at which it is to be held, who the managers are, and who the returning officer of said election.

Powers of council.

SEC. 11. *Be it further enacted*, That the said city council shall have power and authority to pass all by-laws and ordinances that may be deemed necessary and proper for the government of said city, not inconsistent with the laws of the State, and the same to alter or repeal at pleasure; to prevent contagious or infectious diseases from being introduced or retained in said city, and in any way to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person or persons causing or owning such nuisances, or upon whose property they may be found; to pass and enforce such ordinances as may be effectual to prevent fires, and to take all measures necessary and proper to insure the safety of said city; to license, tax, regulate or restrain, in any manner, all circuses, shows and theatrical performances, exhibitions and lectures; to prohibit and suppress gaming and gaming-houses, and houses of ill fame, within the corporate limits of said city; to establish night watches and day watches and patrols, and to appoint leaders and other officers thereof, whenever the peace, good order and safety of the city require it; to make, alter and ascertain new streets and alleys, paying bordering owners a fair compensation as damages therefor; to clean and keep in repair the streets and alleys; to provide and control a sufficient number of pumps and wells for public use; to regulate markets and fix the assize of bread; to license and regulate wagons, carts and drays, omnibuses, hacks and carriages, running from one part of said city to another part for hire; to establish a guard house for the confinement, when necessary, of violators of the ordinances of the said city; to enact such ordinances as may be necessary to preserve the peace and good order of said city; to

Licenses and taxes.

Judicial powers.

take jurisdiction of assaults, and assaults and batteries, happening within the corporate limits of said city, and to punish each and every offender by fine in any sum not to exceed fifty dollars, and in default of payment of such fine, to imprison in the guard house a time reasonably proportionate to the magnitude of the offense, and generally to impose fines, by way of punishment for violation of the ordinances of said city, and to collect the same, and to confine offenders a reasonable time in the guard house, by way of punishment, when default is made in payment of the fine or fines imposed; but in no instance shall the fine imposed on any one offender exceed one hundred dollars for any one offense, nor shall the confinement in the guard house for any one offense exceed thirty days; and in lieu of confinement in the guard house, the said city council, in the exercise of a sound discretion, and when the good of the said city requires it, shall have power, by the enactment of the proper ordinances, to employ, under humane and kind regulations, to be fixed by said council, those offenders who make default in the payment of fines imposed by said council, in working upon the streets, pavements, sidewalks, alleys, pumps and wells of said city, or at the burial grounds of said city, or to do such other work as the public good of said city may require, or the said council may deem proper and necessary to be done; the said city council feeding properly, and keeping in safe custody, such offenders whilst so employed, and allowing each offender seventy-five cents per day for said work until the fine and costs imposed on such offender is paid off and satisfied in full, when it shall be the duty of said city council to set at liberty said offender; to take care of, preserve, designate and regulate all burying grounds within the corporate limits of the said city; and generally, said city council shall have power to pass such by-laws and ordinances as may be necessary for the good government of said city, and may be necessary to carry into effect the true intent and meaning of this act, not contrary to the constitution and laws of this State or of the United States; to prescribe by ordinance the manner of collecting fines imposed under this act, which shall be by execution against the person or property, which fines shall be paid into the city treasury.

General pow-
ers.

Taxation.**Poll tax.****Licenses.**

SEC. 12. *Be it further enacted,* That the said city council shall have power and authority, annually, to assess, levy and collect, within the corporate limits of said city, all the revenues necessary for its government, as follows: On all real estate they shall have the right to levy a tax not to exceed one per centum on the value thereof; on each male inhabitant above twenty-one years of age and not over sixty, a poll tax not to exceed two (2) dollars; on pleasure carriages, gigs, chaises and sulkies, rockaways, and saddle, buggy or carriage horses or mules, not exceeding two (2) per cent. on the value thereof; on every cart, dray, wagon or other vehicle used for transportation of goods, wares or merchandise, sawed lumber, bricks, and other articles or commodities for pay within the boundaries of the city, a license not exceeding twenty five dollars; on every retailer of spirituous, vinous or malt liquors, a license not exceeding seventy-five dollars; on every barber shop a license not exceeding fifteen dollars; on each daguerrean gallery or similar artistic business and drawing saloon, not exceeding twenty-five dollars; on each billiard, pool, bagatelle, roulette, or other table set up and kept for playing in public houses, a license not exceeding fifty dollars; on itinerant peddlers a license not exceeding fifty dollars; on ten-pin alleys, or alleys with any other number of pins, a license not exceeding twenty-five dollars; on hotels, a license not exceeding fifty dollars; on restaurants and public boarding houses, a license not exceeding twenty-five dollars; on theatres, minor shows and exhibitions, a license not exceeding ten dollars for each separate paying performance, day or night; on lectures where admission is charged, a license not exceeding ten dollars for each lecture; on circuses, for each separate performance, morning, evening or night, a license not exceeding twenty dollars; on the gross amount of commissions charged or received by factors, commission merchants or auctioneers, foreign or State corporation agents of any description, a tax not exceeding one and one-half per cent.; on the gross amount of sales of merchandise of any sort, made by any person engaged in the business of selling, not otherwise specifically taxed, a tax not exceeding one per cent.; on all goods or articles sold at auction, a tax not over two per cent. on the gross amount of premiums received from their business by any bank, insurance or lottery company, broker or

exchange dealer, a tax not exceeding one and one-half per cent.; on the gross amount of sales of manufacturers, a tax not to exceed one half of one per cent.; on contractors for house building, a license not to exceed for each, ten dollars; on fancy and sign painters, for each, a license not to exceed ten dollars; on each livery stable, a license not to exceed twenty-five dollars; on all gift enterprises or devices of any kind for throwing of dice, where pay is required, a license not to exceed twenty-five dollars; on every raffle, a tax not to exceed ten dollars; on all other items, persons and occupations, subject to State tax, not to exceed the amount taxed by the latter.

SEC. 13. *Be it further enacted*, That the city council, or the mayor or each alderman acting for mayor, shall be and are hereby vested *ex-officio* with, and may exercise in said city all the powers and authority that belong to justices of the peace by the laws of this State; and the marshal of said city shall be *ex-officio* a constable, and be vested with, and exercise all the powers and authority of other constables of the State; and the said mayor, aldermen and marshal, shall be liable, respectively, to the same penalties and restrictions as are imposed by the laws of the State upon the several offices with which they are invested; and the sheriff of the county of Lee, and all ministerial officers, shall obey the mandate of said city council of Opelika or mayor, or alderman acting for mayor, and truly and faithfully execute the warrants or processes committed to them for service, according to the mandate; and it is made the duty of the jailer of said county of Lee to receive all prisoners committed for violations of the laws of the State, by warrants of the said city council, or mayor, or alderman acting for mayor; and the person or persons so committed, safely keep confined in close jail until delivered therefrom by due course of law; and that said city council shall have power to fix the fees and salaries of the mayor, the clerk, marshal and treasurer, and the manner in which the same are to be paid.

SEC. 14. *Be it further enacted*, That the male inhabitants of the said city of Opelika shall be exempt from working on roads and highways out of the corporate limits of said city, but the streets and highways within said limits shall be kept in repair by said city, and for the purpose of keeping the same in good order, the said

Judicial powers of mayor and aldermen.

Marshal to be *ex-officio* constable.

Imprisonment in jail.

Exemption from road duty

Taxes for street repairs.

city council is hereby authorized to appropriate all, or so much of the poll tax mentioned in section twelve (12) of this act, as will be sufficient for that purpose ; *Provided*, That the person so taxed may relieve himself of said tax by working on said streets and highways for four days, under the direction and control of the marshal of the city.

Duty of mayor SEC. 15. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at all meetings of the city council, and to take a general superintendence of the affairs of the city, and especially to see that all laws, ordinances and rules of council are observed and enforced. He shall call extra meetings of the council whenever, in his judgment, the interest of the city may require it ; he may hear and determine upon all minor causes for violation of the ordinances and by-laws, and may receive such fees and salary, if any, as may be prescribed by the city council. In the absence or inability to act of the mayor, the council shall elect one of their own number as mayor *pro tempore*, who shall discharge the duties of mayor, and be entitled to the perquisites and benefits of said office until the mayor return, or his inability is removed. Two aldermen may call a meeting of the city council ; the mayor and three aldermen, or four aldermen, shall form a quorum for business.

Powers of council. SEC. 16. *Be it further enacted*, That the said city council shall have power to cause, between the fifteenth day of March and the fifteenth day of April, an assessment to be made every year by the clerk of the same, to whom it shall be the duty of every person liable to tax within the corporate limits of said city, to report and declare under oath, or by affirmation, every item of property, occupation or business subject to tax in which he or she is interested, together with a fair statement of its valuation on the fifteenth (15th) day of March, in the same manner and with the same restrictions as apply to the regular State and county assessments of the State ; and if any person fail or refuse to so give in his or her assessment list, or in the judgment of the clerk, place an unfair valuation on the property returned, or makes an unfair statement of the business reported, it shall be the duty of the clerk to assess the same at what he believes to be its fair value or true statement, and likewise to assess all property whose owner or owners

Tax assessment.

may not be known. In the case of real estate, the said city council shall elect two experienced and discreet freeholders, resident within the city, who, together with the clerk of said council, shall constitute a board of assessors, any two of whom shall have power to act, and who, between the fifteenth day of March and the fifteenth day of April, shall examine in person all the real estate of whatever kind, situated in the corporate limits of the city, and assess the cash valuation thereof on the fifteenth day of March, together with the names of the owners of the real estate so assessed. The board of assessors, before beginning the assessment, shall sign before the mayor the following affidavit, to-wit: "We solemnly swear to discharge, to the best of our abilities, without fear or favor, the duties of assessors of real estate within the corporate limits of the city of Opelika; for the year — , and that we will make a fair, equal and impartial valuation of said real estate, and a faithful return thereof." The compensation to be allowed the assessors shall be determined by the city council, at the time of electing the same in each year. Upon the return by the clerk, and by the board of assessors, of the assessments hereinbefore provided for one and all, to the city council, the mayor shall cause at least ten days' notice to be publicly given at the post office and other points, and in the newspapers, that the assessments for the current year are closed, and shall in said notice appoint the time when the council will proceed to hear and determine upon all the complaints which may be made against such assessments; and it shall be the duty of said council to correct errors and supply omissions or deficiencies, and when the same has been passed upon by said council and certified by the mayor, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and sale.

Board of assessors.

Oath of assessors.

Compensation of assessors.

Notice of assessment.

Complaints.

Force of assessment.

Taxes, when collected.

SEC. 17. *Be it further enacted*, That all taxes on poll, personal property and real estate, shall be collected annually, and at such times as the city council may determine of each year, and taxes on merchandise sales, and all other taxes not already specified above, shall be collected quarterly on the first day of May, August, November and February of every year; all licenses are due and collectable from the issuance of the same.

SEC. 18. *Be it further enacted*, That the city council

Power to open
and widen sts.

Damages;
how determin-
ed.

Verdict of jury

Notice of ar-
bitration.

Proceedings
after verdict.

Appeals in
case of.

shall be, and is hereby invested with power and authority to widen, extend or close any street or part of any street or alley which, in their judgment, should be widened, extended or closed, for the general good or convenience of the public, and make such disposition of such streets or parts of streets or alleys so closed, or in case of extending or widening such streets, make such terms with the owners encroached upon, either by gift or purchase, as they may mutually agree upon, but in case of disagreement, or when said owners may be lunatics, infants, non-residents or unknown persons, then the mayor shall apply to the clerk of the circuit court of Lee county for a writ of *ad quod damnum*, to be directed to the sheriff of said county, commanding him to summon a jury of seven freeholders of said county residing in the beat contiguous to the city of Opelika, and outside of said city, to appear at a stated place, on a day named, not less than ten days from the date of the writ, and then to proceed, under oath to be administered by said sheriff, to assess, under the direction of said sheriff, the value of the lands claimed; and the said jury shall, after viewing the premises and hearing testimony pro and con, render a verdict, which may be done by a simple majority; *Provided, nevertheless*, That the said application shall be made in writing, and that the writ shall state the lands required, and the names of the owners, respectively, if known, and that written notice shall be served upon said owners, if known or found, of such applications, and the day and place of convening the jury of arbitration. After said jury shall have rendered their verdict, it shall be endorsed on the writ by them, and shall assess the damages of each proprietor severally, and the sheriff shall thereupon return the writ so endorsed to the clerk of the said circuit court, and the verdict so rendered shall be entered on the records of said circuit court at the next term of said court; after the return of said writ, and the return of the verdict and the payment to the clerk of the damages assessed, to be paid by him to the owner or owners, the land so assessed shall enure to the public use, as parts or extensions of the streets, unless the city council, or the interested proprietor or proprietors from whom the lands are claimed, shall, within thirty days, take an appeal to the circuit court having venue of the case; and on such appeal being taken, the matter

shall be tried in said court *de novo*. On the suing out of the said writ, the mayor shall pay to the clerk of the court two (2) dollars for each juror, and four (4) dollars for the sheriff.

SEC. 19. *Be it further enacted*, That before any ordinance or by-law enacted by the said city council, as a ^{Notice of city laws,} part of the code of laws for the government of said city, shall become of force, ten days' notice of the same shall have been given by posting in public places and publication in a newspaper or newspapers published in said city.

SEC. 20. *Be it further enacted*, That P. J. Wilkinson as mayor, James R. Green, B. F. Perry, John R. Hubbard and D. B. Preston, as councilmen heretofore elected ^{In incumbents to be contin'ed} under a former charter of Opelika, be, and they are hereby recognized as the legal existing city council for Opelika, any three of whom may constitute a quorum for business, and the same shall continue to act as said city council, after the passage and approval of this act, until their successors are duly elected and qualified, and it shall be their duty to provide for the first regular election required to be holden under the provisions of this act.

SEC. 21. *Be it further enacted*, That all laws and ^{Existing laws.} parts of laws on the subject of the incorporation of the town of Opelika, whether the same was enacted by the legislature or done and performed by any court of the State on the application of any citizens of the town of Opelika, inconsistent with the foregoing act, be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 285.]

AN ACT

For the relief of Leonard W. Godbold, of the county of Wilcox, from the disabilities of infancy.

Be it enacted by the General Assembly of Alabama, That Leonard W. Godbold, a minor, of the county of Wilcox, be, and he is hereby authorized to manage and transact all business connected with his estate, and that all contracts which he shall make after the passage of ^{Disabilities removed.}

this act, shall be as legal and as of full effect as though he were twenty-one years of age.

SEC. 2. *Be it further enacted,* That said Leonard W. Godbold shall, after the passage of this act, be fully authorized and empowered to settle with his guardian, and to receive his property from said guardian, and that his receipt upon said settlement shall be as full and complete a discharge to said guardian as if said Leonard W. Godbold had arrived at the full age of twenty-one years.

Approved, March 3, 1870.

No. 2S6.]

AN ACT

To authorize the court of county commissioners of Choctaw county to issue bonds for the erection of public buildings in said county.

Be it enacted by the General Assembly of Alabama, That in the event the court-house of Choctaw county should be removed during the present year, and that in order to raise means for the erection of the court-house and other public buildings in said county, the court of county commissioners may issue the bonds of said county, payable at or before the expiration of ten years from the date of their issue, bearing interest not exceeding eight per cent. per annum, payable annually at such place as they may elect, and said bonds must be signed by the treasurer and countersigned by the judge of probate of said county.

SEC. 2. *Be it further enacted,* That it shall be the duty of said court of county commissioners, annually, to lay a tax sufficient to meet and pay the interest on said bonds, and to pay the same at or before their maturity, which tax shall be a special tax, in addition to the regular county tax, and which shall be appropriated to no other purpose than to the payment of such interest and bonds.

Approved, March 3, 1870.

No. 287.]

AN ACT

To facilitate the repairs of public roads in Marengo, Wilcox, Randolph and Macon counties.

Be it enacted by the General Assembly of Alabama, That the courts of county commissioners of Marengo, Wilcox, Randolph and Macon counties be, and they are hereby authorized to contract with any person or persons to keep in good repair any or all roads in said counties, under such regulations and restrictions as may be agreed upon, and may require such bond as they think necessary for the faithful performance of such contract. Contracts for repairing roads

SEC. 2. *Be it further enacted,* That said courts of county commissioners be, and they are hereby authorized to levy a special tax upon the property of said counties for the purpose of carrying into effect the provisions of this act, any law to the contrary notwithstanding. Special tax authorized.

Approved, March 3, 1870.

No. 288.]

AN ACT

To further the improvement of the navigation of the Coosa river.

Be it enacted by the General Assembly of Alabama, That the Coosa River Slack Water Navigation Company, a corporation founded under the provisions of an act entitled "An Act to amend the corporation laws of Alabama", approved August 12th, 1858, and the act supplementary thereto, shall be so far exempted from the operation of the sixth section of said "act to amend the corporation laws of Alabama", that four years shall be allowed them from the time of filing their declaration in accordance with the provisions of said act, in which to commence work on said river, and actually in good faith to have expended thereon as much as ten per cent. of the capital stock asked for in the application aforesaid. Additional time allowed.

Approved, March 3, 1870.

No. 289.]

AN ACT

To require the county treasurer of Wilcox county to pay the fees of county officers in certain cases.

Be it enacted by the General Assembly of Alabama,
That the county treasurer of Wilcox county, be, and is hereby required to pay the fees of officers of the court arising from criminal cases in which the defendants have been convicted and have been proved insolvent, by return of execution, no property found, from the county treasury, as other claims are paid.

SEC. 2. *Be it further enacted,* That the county treasurer of said county is hereby required to pay the fees of the clerk of the court and sheriff in all cases where the State enters a *nolle prosequi*, or where the State fails, as other claims, all laws or parts of laws to the contrary notwithstanding.

Approved, March 3, 1870.

No. 290.]

AN ACT

To relieve Lawrence S. Speed, and such other persons as may be included and named in a certain indictment against them for the offense of holding an unlawful assembly, lately found in the circuit court of Bullock county.

Be it enacted by the General Assembly of Alabama,
That Lawrence S. Speed, and other parties named in an indictment recently found in Bullock county, for unlawful assemblage, be, and they are hereby relieved from such indictment.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 291.]

AN ACT

To regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence.

Be it enacted by the General Assembly of Alabama, That all advertising now required by law to be done by county officers, executors, administrators and guardians, in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, shall, from and after the passage of of this act, be made by posting up notices at the court-house door, and three other public places in the counties. Advertising by posting.

SEC. 2. *Be it further enacted,* That whenever it is shown by the proceedings in the cause, that any of the parties thereto are adults and non-residents of the State, that it shall be the duty of the officer required to give notice, to send by mail or express, a copy of the notice required to be posted up at the court-house door, to said party or parties, and the receipt of the postmaster or an express agent, shall be evidence that said notice has been given. Notice to adults to be sent by mail or express.

SEC. 3. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Conflicting laws repealed.

Approved, March 3, 1870.

No. 292.]

AN ACT

To amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter.

Acts of 1837.

Sec. 1 recited.

Be it enacted by the General Assembly of the State of Alabama, That an act entitled "An act to incorporate the city of Montgomery," approved the 23d of December, 1837, which reads as follows: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Montgomery, in said State, shall hereafter be called the city of Montgomery, and that the said town or city shall include within its corporate limits fractional section twelve, in township sixteen and range seventeen, east of the Alabama river, and so much of the north-east quarter of section thirteen, in township sixteen and range seventeen, as has been heretofore surveyed and laid out into lots of a size less than one acre; and so much of the north-west quarter of section seven, in the last named township and range, as has been heretofore surveyed and laid out into lots of a size less than one acre; the inhabitants whereof shall be a body corporate, and that the mayor and aldermen of said city, when elected and qualified as hereinafter directed, shall be named and styled "The City Council of Montgomery," and by that name may purchase, receive, hold or let, sell, grant, alien, or assure property, real and personal, and sue and be sued, plead and be impleaded, and to do and perform any other acts incident to bodies corporate, to have a common seal which may be changed at pleasure, and that the jurisdiction shall extend to and include all the lands above described, and all the Alabama river opposite to said fractional section twelve. Sec. 2. And be it further enacted, That the said city shall be divided into three wards, as follows, to-wit: All that part of said city lying westwardly of Commerce street and Court street, continued south to the southern limits of said city, shall form the first ward; all that part of said city lying east of Court street, continued to said southern limit and south of Market street and Line creek road, shall form the second ward; and all that part of said city lying north of Market street and Line creek road, and eastwardly from Commerce street form the

Sec. 2 recited.

third ward, and that each ward shall be entitled to two aldermen, who shall reside in the same, and to be elected by the qualified electors thereof. An election shall be held in each ward on the third Monday of January next, and the third Monday in January in each and every year thereafter, for a mayor, who shall reside within the limits of said city, and two aldermen for each ward; and the person having the greatest number of votes for mayor in said city shall be mayor, and the two persons in each ward having the greatest number of votes for aldermen, shall be aldermen for such ward; but if two or more persons have an equal number of votes for mayor, the aldermen shall determine who shall be mayor; and if no two persons in any ward shall have a higher number of votes than any other person, the mayor and aldermen shall determine who shall be aldermen for that ward, the one having the highest number always being one. The said mayor and aldermen shall hold their office until the next succeeding election after their election or appointment, and until their successors are duly elected and qualified; if a vacancy occur in the office of mayor or aldermen, by death, resignation, removal or otherwise, such vacancy shall be filled by the mayor and aldermen, or by the aldermen, as the case may be; the aldermen shall judge of the qualification of the mayor, and the mayor and aldermen shall judge of the qualification of each alderman.

Sec. 3. And be it further enacted, That the intendant and council of the town of Montgomery, shall appoint at least two discreet and respectable freeholders or lot holders in each ward, who shall be managers of the next election, and the said city council shall make such appointments thereafter; all white male citizens of this State above the age of twenty-one years, who shall have resided within said city six months immediately preceding an election, who shall have paid a city or corporation tax, and shall not be in arrears for taxes or debt due the town of Montgomery or said city of Montgomery, shall be qualified electors for mayor and aldermen; and no person shall be eligible to the office of mayor or aldermen, unless, in addition to the qualification of elector, he shall have resided in said city one year next preceding an election, and be a freeholder or lot holder in said city; *Provided*, That so much of this section as provides the payment of taxes as a qualification of an

Sec. 3 recited.

elector, or mayor, or alderman, shall not apply to persons living at the next election on the above described lands, and out of the limits of the town of Montgomery.

Sec. 4 recited. Sec. 4. And be it further enacted, That the said mayor and aldermen shall severally, before they enter upon the duties of their office, in addition to the oath prescribed for civil officers of the State, make and subscribe an affidavit that they will endeavor to prevent and punish all tumultuous and riotous assemblies, assaults and batteries, gaming, keeping gaming houses, and all other public offenses and violations of the laws of the State and ordinances of said city; and will faithfully, to the best of their skill and judgment, execute their office without favor or partiality; which affidavit shall be filed in the office of the clerk of said city.

Sec. 5 recited. Sec. 5. And be it further enacted, That the said mayor and aldermen in council assembled, shall have power and authority to pass by-laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city, and to preserve the health thereof; to prevent and remove all nuisances at the expense of the person causing such nuisance, or upon whose property it may be found; to license, tax, regulate and restrain theatrical amusements and shows; to restrain and prohibit gaming and keeping gaming and houses of ill-fame; to establish night watches and day watches, and patrols, and to appoint leaders and captains thereof; to make, alter and ascertain new streets and alleys; to clean and keep in repair the streets and alleys; to regulate the stationing, moving and anchorage of steamboats and other boats and craft within their jurisdiction; to have a general control and superintendence over the wharf, wharfages, ferry, ferriages, public springs and wells; to establish necessary inspections; to erect and regulate markets, and the assize of bread; to regulate the conveyance of water from the vicinity into the said city; to regulate the sales at auction, and to appoint auctioneers; *Provided*, The same shall not extend to sales under execution by order of court, or by executors or administrators; to erect public scale houses, with proper scales, weights and measures, and to appoint weighers and measurers, to weigh and measure in case of disagreement between buyer and seller; to license and regulate carts and wagons, drays, and such hacks

and carriages running from one part of said city to another for hire; and generally to pass such by-laws and ordinances, not contrary to the constitution and laws of this State and the United States, as the said mayor and aldermen shall from time to time deem necessary and proper, to carry into effect the true intent and meaning of this act, and the same to enforce, alter and repeal. The said mayor and aldermen shall have power to appoint and remove at pleasure, a clerk, treasurer and such number of marshals and other officers as they may deem necessary and proper, and require such bond and security as they may deem necessary, and to annex such fees and salaries to their several offices, and to impose such fines for neglect of duty in office, not exceeding one hundred dollars, as they may deem necessary; the said mayor and aldermen are also empowered to lay such fines, not exceeding fifty dollars, for breach or breaches of their by-laws and ordinances as they may deem proper, and to enforce and collect the same in such manner as may be prescribed by ordinance, by execution against the person or property, or committing to jail, as they may deem necessary or proper, which fines shall be appropriated in such manner as the said city council may prescribe; *Provided*, That this act and all the by-laws and ordinances of said city shall at all times be subject to revision or repeal by the General Assembly. Sec. 6. And be it further enacted, That the said mayor and aldermen shall have power and authority, annually, to assess, levy and collect a tax, not exceeding one per centum, upon all real estate in said city; a poll tax, not exceeding two dollars, on each white male inhabitant above twenty-one years of age, provided, he shall have resided in said city two months immediately preceding the time said tax shall be levied; on each slave over ten and under fifty years of age, not exceeding one dollar; on every free negro or mulatto who shall reside in said city, not exceeding ten dollars; a tax on all pleasure carriages, gigs, chairs and sulkeys, not exceeding one per cent. on the value thereof; on every cart, dray, wagon and other vehicle used for transportation of goods and commodities from one part of said city to another for hire, a tax not exceeding twenty dollars; on every retailer of spirituous liquors a tax not less than forty, nor more than five hundred dollars; on every vendor of goods, wares, merchandise, drugs and

Sec. 6 recited

medicines, on either of them, a tax not exceeding twenty-five dollars per annum; on all goods sold at auction, a tax not exceeding one per cent. on amount of sales, or not exceeding fifty dollars per annum. Sec. 7. And be it further enacted, That the said mayor and aldermen shall be *ex officio* vested with, and may exercise in said city all the powers and authority that belong to justices of the peace by the laws of this State; and the said marshal shall be *ex officio* a constable, and be vested with and exercise all the power and authority of other constables of this State; and the said mayor, aldermen and marshals shall respectively be liable to the same penalties and restrictions as are imposed by the laws of this State upon the several offices with which they are invested; and the sheriff of the said county of Montgomery, and all ministerial officers shall obey the said mayor and aldermen, and truly and faithfully execute the warrants and processes committed to them for service, according to the mandate; and it is made the duty of the jailor of said county to receive all prisoners committed by warrants of the said mayor and aldermen, and the person or persons so committed safely to keep confined in close jail till delivered therefrom by due course of law; and the said city council are hereby authorized to hold their meetings, and to keep their records and papers in any room in the court house of said county, not at the time occupied by the county or any of the county officers. Sec. 8. And be it further enacted, That should the election not take place on the day fixed for the annual election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the mayor and aldermen to fix some other day as early as convenient within one month thereafter, on which day the said election shall be held. Sec. 9. And be it further enacted, That the said inhabitants of the said city shall be exempted from working on roads and highways out of said city, and from patrol duty, except under the authority of said city, but the streets and highways in said city shall be kept in repair by said city, and all male citizens over eighteen and under the age of forty five years of age, shall be liable to

patrol duty, and to serve as guard or watch at such times and in such manner as may be prescribed by the said city council. Section 10. And be it further enacted, That all property, claims and demands of whatever description belonging to the town of Montgomery, shall be vested in the city of Montgomery, and all debts, contracts and liabilities owing or incurred by said town, shall be good, and enforced against said city; and the corporation of said town shall and may subsist as long as necessary for enforcing and collecting all claims and dues, or the same may be enforced and collected by said city. Section 11. And be it further enacted, That it shall be the duty of the mayor to preside and keep order at all meetings of the mayor and aldermen; he shall call meetings of the aldermen whenever in his opinion the interest of the said city may require it; he shall keep an office in said city, and hear and determine upon all causes for breach of the ordinances and by-laws, and shall receive such fees and salary as may be prescribed by the city council; in the absence or inability of the mayor, the aldermen shall appoint one of their own number mayor *pro tempore*, who shall discharge the duties of mayor till the mayor returns or his inability is removed; each of the aldermen may also hear and determine causes for breach of the by-laws and ordinances; two aldermen may call a meeting; the mayor and three aldermen, or four aldermen shall form a quorum. Sec. 12. And be it further enacted, That the said city council may cause an assessment of taxes to be made in each and every year by some proper and fit person or persons; the assessment naming the person liable to such taxes when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor, to be laid before the mayor and aldermen, and the mayor shall cause at least ten days' public notice that assessment has been made, and the time when the mayor and aldermen will proceed to hear and determine upon all complaints which may be made against such assessment, and it shall be their duty to correct errors and supply omissions, and when the same has been passed upon by said city council, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property, on giving

Sec. 10 recited

Sec. 11 recited

Sec. 12 recited

such notice as is required by law on executions from the circuit court, and where no property to be found is returned upon said assessment, the mayor may issue a *capias ad satisfaciendum*; and all sales of property made under or by virtue of such assessment, shall convey to the purchaser the same title as if sold by execution from the circuit court, and the collector of said city shall, in case of sale of real estate, give the purchaser a deed of conveyance, which shall vest in the purchaser the same interest that the person had against whom such tax was assessed at the time of such assessment; and where the owner is not known, the entire equitable and legal interest in such real estate, discharged of all liens; *Provided*, That where a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale, specifying the property and the tax, shall be given in some newspaper printed in said city; *And provided*, That the owner of any real estate sold for taxes, shall have the right to redeem, by paying treble the amount of the tax, together with costs and charges, within twelve months from the day of sale; *And provided further*, That the duties required of the said mayor and aldermen, except giving notice and issuing *capias ad satisfaciendum*, may be devolved upon a board of assessors, and the assessments approved by them shall have the same force and effect as if approved by the mayor and aldermen. Sec. 13. And be it further enacted. That

Sec. 13 recited from said city council of Montgomery, shall be exonerated from paying any thing to the county of Montgomery for the privilege of retailing in the city aforesaid.

Sec. 14. And be it further enacted, That the said "City Council of Montgomery" shall have full power and authority to make, ordain and enact such laws and regulations (not contrary to the constitution and laws of this State) as may be deemed necessary in relation to the streets and highways, public buildings and powder magazine, and every other matter and thing which they may deem necessary for the good order and welfare of said city. Sec. 15. And be it further enacted, That all the ordinances and regulations of the "Intendant and Council of the Town of Montgomery" heretofore made, and not contrary to the constitution and laws of this State, shall be applicable to said "City Council of Montgomery," and shall remain in full force until repealed or altered

Sec. 14 recited

Sec. 15 recited

by said city council of Montgomery. Sec. 16. And be it further enacted, That all laws and parts of laws that may contravene this act, be, and the same are hereby repealed, except so much of any law heretofore passed as may be necessary to carry out and complete any contract with, or act of the said town council of Montgomery, as may now be incomplete or unsettled. And an act entitled "An act to amend an act entitled an act to incorporate the city of Montgomery", approved December 23rd, 1837, which last said act was approved, January 24th, 1839, and which last said act reads as follows: Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the city of Montgomery shall hereafter include, within its corporate limits, fractional section twelve, in township sixteen, east of the Alabama river; the north-east quarter of section thirteen, in township sixteen, and range seventeen; the north-west quarter of section eighteen, in township sixteen, and range eighteen; the south-west quarter of section seven, in township sixteen, and range eighteen; the north-west quarter of section seven, in township sixteen, and range eighteen; and the west-half of the south-east quarter of section seven, in township sixteen, and range eighteen. And that an act entitled "An act to annex to the city of Montgomery a piece of land therein described", approved January 13th, 1841, which reads as follows: Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the limits of the city of Montgomery shall extend to, and include a certain piece of land heretofore conveyed to said city, containing nine and thirty-five hundredths acres, by Emerson's survey, situated immediately east of that point of said city, known as Scott's Town, and inclosed and used as a city burying ground; and an act entitled an act to extend the corporate limits of the city of Montgomery, approved 13th February, 1850, and which reads as follows: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all of the west half of the north-east quarter of section seven, township sixteen, range eighteen, be, and the same is hereby included in the corporate limits of the city of Mont-

Sec. 16 recited

Act of 1837 r
cited.Act of 1844 re-
cited.Act of 1850 re-
cited.

Act of 1852 re-
cited.

Act of 1848 re-
cited.

Act of 1853 re-
cited.

gomery, as fully as if the same had been included in all the acts incorporating said city ; and an act entitled an act to authorize appeals from the decisions of the mayor and aldermen of the city of Montgomery, approved February 10, 1852, and which reads as follows : Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, an appeal may be had to the circuit court of Montgomery county, upon all judgments rendered by the mayor and aldermen of the city of Montgomery, in like manner and upon the same terms and conditions as now prescribed by law in cases of appeal from the decisions of justices of the peace ; and an act entitled an act to amend an act to incorporate the city of Montgomery, approved 23d December, 1837, and which last said act was approved February 26, 1848, and reads as follows : Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the city council of Montgomery, be, and is hereby empowered, in addition to the powers already conferred by said act, to pass ordinances or by-laws to regulate the erection of wooden buildings in such parts of said city as in the opinion of the council the public good may require, and pass ordinances for the punishment of such as may injure or deface the public buildings or grounds ; and the second, third and fourth sections of an act entitled an act to repeal an act entitled an act to amend the city charter of Montgomery, approved January 17th, 1852, and to change the time of holding the city election in the city of Montgomery, and for other purposes, and which last said act was approved November 23, 1853, and which said sections reads as follows : Sec. 2. Be it further enacted, That the corporation limits of said city of Montgomery be, and the same are hereby divided into six wards, as follows : All that part of said city lying south-west of Commerce street, north-west of Montgomery street, and north of Clayton street, shall form the first ward, and shall be known and styled as ward number one ; and all that part of said city lying south-east of Montgomery street, south of Clayton street and west of Court street, shall form the second ward, and shall be known and styled as ward number two ; and all that part of said city lying east of Court street, south of

Market street and west of Lawrence street, shall form the third ward, and shall be known and styled as ward number three; and all that part of said city lying east of Lawrence street, south of Market and south Market streets, shall form the fourth ward, and shall be known and styled as ward number four; and all that part of said city lying north of Market and south Market streets, and east of Perry street, shall form the fifth ward, and shall be known and styled as ward number five; and all that part of said city lying north of Market street, north-east of Commerce and west of Perry street, shall form the sixth ward, and shall be known as ward number six.

Sec. 3. Be it further enacted, That each of said wards, numbers one, two, three, four, five and six, created by section two of this act, shall and is hereby declared to be entitled to two aldermen, making the whole number of aldermen for said city twelve, who shall be elected annually, and in the same manner that the present aldermen of said city are elected, under the act incorporating said city, and the amendments thereto now in force.

Sec. 4. And be it further enacted, That the time of holding the city elections in said city of Montgomery, be, and the same is hereby changed from the present time to holding said election to the first Monday in December, in each and every year; and an act entitled an act to amend the charter of the city of Montgomery, and which last said act was approved, February 7th, 1860, and which said act reads as follows: Sec. 1. Be it enacted by the Senate and House of Representatives

Act of 1860 re-cited.

of the State of Alabama in General Assembly convened, That the charter of the city of Montgomery is so far amended that the city council of said city shall have authority to alter, widen or extend any street within the limits of the city, whenever, in their judgment, the public convenience requires it. Sec. 2. Be it further enacted, That when any alteration of a street is determined on by resolution of the city council, the mayor of the city shall endeavor to acquire the right to the use of the lands necessary for the proposed alteration, by purchase or gift from the proprietor or proprietors. Sec. 3. Be it further enacted, That when the mayor cannot obtain the lands by purchase or otherwise, or when the proprietor or proprietors of any of the lands necessary for the proposed alteration of the street shall be an infant, *non compos mentis*, non-resident, or person

unknown, then the mayor shall apply to the clerk of the circuit court for a writ of *ad quod damnum*, to be directed to the sheriff of Montgomery county, commanding him to summons a jury of seven freeholders of the county, not resident in the city of Montgomery, to appear before the sheriff, on a day named, not less than ten days from the date of the writ, and to proceed, under his direction, after being sworn impartially to discharge their duty, to assess the value of the lands of such proprietor named in the application for the writ, and in the writ, which shall state the lands required for use as part of the street, and the names of the owners respectively; and the said jury shall, after viewing the premises, render a verdict, which may be done by a majority; which verdict shall be endorsed on the writ by them, and shall assess the damages to each proprietor severally; and the sheriff shall thereupon return the writ so endorsed to the clerk of the circuit court, and the verdict so rendered shall be entered on the records of the circuit court at the next term of the court after its return unless an appeal shall have been taken in the manner prescribed in the next section. Section 4. Be it further enacted, That on the return of the verdict, and the payment to the clerk of the damages assessed, the lands so assessed shall enure to the public use as part of the streets, unless the city council, or some proprietor or proprietors shall, within thirty days, take an appeal to the circuit court, and on such an appeal being taken the matter shall be tried in the circuit court *de novo*. Sec. 5. Be it further enacted, That on the suing out of the writ the mayor shall pay the clerk of the circuit court two dollars for his fees; two dollars for each juror, and four dollars for the sheriff; and the second section of an act entitled "An act to amend the Charter of the City of Montgomery," and which last said act was approved, February 25th, 1860, and which said section reads as follows: Sec. 2. Be it further enacted, That the said city council is hereby authorized and empowered to pass laws for the sale of the real estate in said city for taxes, whether the said real estate belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or sub-division of lot, if separately assessed, and that the owner, or any one for him, be allowed to redeem at any time within two years from the sale, on paying to the purchaser or the city treasurer

for him four times the amount of the taxes, costs and expenses paid by the purchaser, and interest at the rate of twenty per cent. per annum on the surplus, and that the surplus over and above the amount of the taxes, interest, cost and expenses, be paid into the city treasury, to be kept by the treasurer for the owner, upon the responsibility of his bond, and that interest shall be collected and the taxes assessed from the first day of December next, after the assessment, if not paid by that day; and that where any lot or part of a lot has been assessed to an unknown owner, the assessment shall be *prima facie* evidence of the fact; and that the city council may, by its agents, purchase real estate sold for taxes; the deed for the same may be made to the mayor of said city, to be held by him for said city, which may be redeemed as other lands sold for taxes as aforesaid, and when redeemed the mayor shall re-convey to the owner, and to pass laws for the annual assessment, levy and collection of a tax not exceeding the following rates, to-wit: For each livery or sale stable, fifty dollars; lottery offices or agencies, two hundred dollars; insurance offices, foreign or otherwise, fifty dollars; free banks or bank agencies, one hundred dollars; negro-traders or brokers, one hundred dollars; all persons buying cotton on commission or otherwise, twenty-five dollars; hotels, fifty dollars; theatres, shows, or other exhibitions, five dollars for each day's performance or exhibition; lectures, when an admission fee is charged, except for charitable or benevolent purposes, five dollars for each lecture; circuses, for each day's or night's performances, twenty dollars; peddlers, thirty-five dollars; lawyers, doctors, dentists, and daguerrean artists, five dollars each; billiard, pool, bagatelle, or other tables kept for playing, one hundred dollars each; ten-pin alleys or alleys with any other number of pins, fifty dollars; restaurants, fifty dollars each; concerts for profit, five dollars for each; auctioneers, fifty dollars; warehouses for the storage of cotton, one hundred dollars; public scales, twenty-five dollars each; furniture, silver-plated ware, above the value of five hundred dollars, one-fourth of one per cent. on the value thereof; horses and mules brought to market for sale by other persons than the proprietors of livery stables, one dollar for each; pistol galleries, fifty dollars; gold watches, fifty cents; silver watches and clocks,

Act of 1861 re-
cited.

Act of 1861 re-
cited.

Act of 1863 re-
cited.

thirty-five cents ; gold safety or watch chains, thirty-five cents ; companies for the manufacture of gas, one hundred dollars, independent of the value of their property ; steamboats lying at the wharf, for each day or any part thereof, five dollars. And an act entitled " An act to amend the Charter of the City of Montgomery," and which last said act was approved, February 1st, 1861, and which said act reads as follows : Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act an appeal may be had to the first circuit or county court of Montgomery county, to be held, upon all judgments rendered by the mayor and aldermen of the city of Montgomery, and upon the same terms and conditions as is prescribed by law in cases of appeal from the decisions of justices of the peace, and shall be tried at the first term unless a continuance is allowed to either party ; *Provided*, That in such cases of appeal there shall be no appeal from the county to the circuit court. And an act entitled " An act to amend the Charter of the City of Montgomery," and which last said act was approved, December 10, 1861, and which said act reads as follows : Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in addition to the powers heretofore granted by the charter of the city of Montgomery, the city council of Montgomery are hereby empowered to levy and collect a tax not exceeding one-half of one per cent. on the value of the service pipe of the Montgomery Gas Light Company, laid in the streets of said city, and a tax not exceeding fifty dollars upon the business of all persons engaged in buying and selling exchange ; and to pass an ordinance requiring all persons to bring the hides and ears of all cattle, sheep or goats, and the heads and ears of all hogs slaughtered within five miles of said city, and brought to the said city for sale. And an act entitled " An act to amend an act to incorporate the City of Montgomery," and which last said act was approved, December 7, 1863, and reads as follows : Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the corporate limits of the city of Montgomery, as heretofore defined, be, and are hereby so extended as to embrace the following additional metes and bounds,

to-wit : The east half of the south-east quarter of fractional section eleven, township sixteen, range seventeen; commencing again at the south-west corner of fractional section twelve, thence east on the section line to a point where the west line of Holt street produced, would intersect said section line; thence direct to the centre of section thirteen, township sixteen, range seventeen; thence south four hundred and sixty feet; thence east six thousand and forty feet; thence north two thousand five hundred feet; thence east eight hundred and sixty feet; thence north to the north line of section seven, township sixteen, range eighteen; thence west on said line to a point where the east line of Decatur street produced, would intersect said section line; thence north six hundred and sixty feet; thence west to the Alabama river.

• Sec. 2. Be it further enacted, That the city council of Montgomery shall have power to change, remodel or increase the number of the wards of the city, as they may deem fit. Sec. 3. Be it further enacted, That all laws

or parts of laws, in any wise conflicting with the provisions of this act be, and the same are hereby repealed.

And an act entitled "An act amendatory of an act to incorporate the city of Montgomery," approved, December 23, 1837, and which last said act was approved December 3, 1863, and reads as follows : Sec. 1. Be it enacted by the Senate and House of Representatives of the

Act of Dec.
1863 recited.

State of Alabama in General Assembly convened, That "An act to incorporate the City of Montgomery," approved, December 23, 1837, be, and the same is hereby so amended as to empower the city council of Montgomery to impose a tax on every cart, dray, wagon and other vehicle used for the transportation of goods and commodities from one part of said city to another, for hire, a tax not exceeding twenty-five dollars, where one or two horses are used in hauling the same, and not exceeding fifty dollars where four horses are used; on hacks, fifty dollars; on omnibuses drawn by four horses, one hundred and fifty dollars; on omnibuses drawn by two horses, seventy-five dollars; on every vender of goods, wares and merchandise, drugs and medicines, or either of them, fifty dollars per annum; on auctioneers, a tax not exceeding one hundred dollars per annum; for each livery or sale stable, one hundred dollars; insurance offices, foreign or otherwise, one hundred dollars; negro-traders or brokers, two hundred dollars; hotels,

one hundred dollars; theatres, shows, or other exhibitions, ten dollars for each exhibition; lectures, when an admission fee is charged, except for charitable or benevolent purposes, ten dollars; circuses, for each performance, forty dollars; restaurants, fifty dollars; concerts, for profits, ten dollars each; warehouses for storage of cotton, two hundred dollars; companies for the manufacture of gas, two hundred dollars; on licensed day laborers, twenty dollars per annum; on washer-women, ten dollars per annum; on barbers, twenty dollars per annum. And an act entitled "An act to amend an act to repeal an act imposing restrictions on the City Council of Montgomery, and for other purposes," approved, 13th January, 1846, and which last said act was approved, December 3, 1863, and reads as follows: Sec.

Act of Dec.
1863 recited.

1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That "An act to repeal an act imposing restrictions upon the City Council of the City of Montgomery, and for other purposes," be, and the same is hereby amended so that the city council of Montgomery shall, from and after the passage of this act, have full power to collect, demand and receive of and from the owners, or consignees, of all goods which shall be landed on or shipped from the Montgomery city wharf or wharves, landing or landings, such wharfage as said council shall, from time to time, deem necessary, not exceeding the following rates, to-wit: For each bale of cotton, sixteen cents; for each barrel, ten cents; for each sack of coffee, salt or grain, six cents; for each hogshead or pipe, forty cents; for each hundred weight of iron, or other metal, five cents; for all boxes, packages and merchandise, by measurement, two cents per square foot; for each buggy or sulky, one dollar and fifty cents; for each carriage, two dollars; for each thousand feet of lumber, one dollar; for each horse or cow, twenty cents; for each sheep or hog, five cents; for all steamboats, unless unavoidably detained, not exceeding ten dollars per day; and all barges or flat-boats, two dollars per day, each day they shall remain at said wharves or landings. And an act entitled "An act to amend the City Charter of Montgomery," and which last said act was approved, December 13th, 1864, and reads as follows: Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Act of 1864 re-
cited.

That in addition to the qualifications, now required by law, to constitute any one a qualified elector at the municipal election in the city of Montgomery, the said elector shall have resided twenty days immediately preceding the election in the ward in which he seeks to vote. And an act entitled "An act to fix the Eastern Boundary of the City of Montgomery," and which last said act was approved, December 9th, 1864, and reads as follows: Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the eastern line of Hilliard street, and a line running due south and due north in extension of said line to and from the northern and southern boundary of the city of Montgomery, shall be, and is hereby made the eastern boundary of said city; *Provided, however,* That the grave-yard, near to and under the control of said city, shall be included within the boundaries of said city, anything in this or any other act to the contrary notwithstanding. And an act entitled "An act to confirm the right of the City Council of Montgomery to collect wharfage," and which last said act was approved, August 12, 1868, and reads as follows: Whereas, the city council of Montgomery has for many years exercised and enjoyed the right and franchise of collecting wharfage at the city of Montgomery, and have built and maintained the wharves at said city; therefore, Sec. 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery be, and are hereby authorized and empowered to charge and collect wharfage at the city of Montgomery on all goods, wares and merchandise shipped by river to and from said city, and upon vessels landing at the wharves of said city as heretofore, subject to such regulations as the said city council had adopted on the 16th day of December, 1867, at the enclosed rates:

Act of Dec.
9, 1864, recited

Act of 1868 re-
cited.

	\$	cts.	
Anchors, per ton.....		50	
Anvils, (small) each.....		05	
Anvils, (large) each.....		10	Rates.
Almonds, per sack.....		03	
Bales of cotton, each.....		08	
Bales of hemp, each.....		10	
Bales of India bagging.....		25	
Bales of gunny bags.....		10	

	\$	cts.
Bundles twine.....		03
Bales hides, from.....		10 to 25
Barrels of molasses and whiskey, each..		08
Barrels of merchandise, each.....		05
Barrels of $\frac{1}{2}$ and $\frac{1}{4}$, each.....		03
Barrels of hams, each.....		10
Barrels in nests, each.....		05
Boxes merchandise, per cubic foot....		01
Boxes Havana sugar, each.....		15
Boxes lemons and oranges, each.....		05
Boxes wine and cider, each.....		05
Boxes cheese (one cheese) each.....		02½
Boxes soap, candles and starch, each...		04
Boxes axes, (12) each.....		05
Boxes tin and glass, each.....		03 to 06
Boxes raisins, herring and codfish, each		02½
Boxes tobacco, each.....		10
Bale rope, per coil.....		04
Bagging, per piece.....		04
Bath tubs, each.....		10
Boilers, steamboat and mill, each....	2	00
Boats, each.....	1	50
Bellows, each, from.....		05 to 15
Bark mills, each.....		15
Bags coffee, pepper and sugar.....		05
Bundle brooms, (1 dozen).....		05
Bundles paper, each.....		02½
Ballast, per ton.....		25
Buckets and tubs, per nest.....		05
Bananas, per bunch.....		02½
Bricks, per thousand.....		40
Beeves, each.....		10
Buggy wagons, each.....	1	00
Bran, per sack.....		05
Champagne, per basket.....		10
Carriages, each.....	1	50
Cables, cordage, &c., per ton.....		50
Cedar logs, each.....		02½
Carts, each.....		50
Chairs, each.....		02½
Casks bacon, each.....		20
Corn in bulk, per bushel.....		02½
Corn, slip shuck, per bushel.....		02½
Corn in sack, each.....		03

Rates.

	\$	cts.	
Coal in bulk, per ton.....	50		
Coal in casks, each.....	20		
Cots and matrasses, each.....	05		
Cotton gins, each.....	50		
Corn shellers, each.....	10 to 20		
Corn mills, each.....	25		
Crockery, hogsheads and crates, each..	01		
Cows, each.....	10		
Cigars, per thousand.....	02½		
Demijohns, each.....	03		
Deer skins, per bundle.....	05		
Drums, figs, each.....	02½		
Drums, fish, each.....	10		
Firkins butter, each.....	05		
Fodder and shucks, per bale.....	10		
Four horse wagons, each.....	1 50		
Flat boats, after three days, per day..	1 00		
Gigs, each.....	75		
Grindstones, each.....	05		Rates.
Hogsheads sugar, each.....	35		
Hides, each.....	01		
Hogs, each.....	05		
Hampers potatoes, each.....	05		
Hay, per bale.....	10		
Horses, each.....	15		
Hubbs, each.....	01		
Hewed logs, for fencing, per post....	02		
Iron, (castings,) per ton.....	50		
Ice, per ton.....	25		
Kegs nails, each.....	03		
Kegs lard, each.....	03		
Kegs powder, each.....	05		
Kits and half kits, each.....	02½		
Lumber, per M.....	10		
Logs of wood rafts, each.....	10		
Mill stones, per pair.....	50c. to 1 00		
Measures in nests, each.....	05		
Oats, per sack.....	03		
Oranges, per sack.....	05		
Onions, 100 bunches.....	05		
Ploughs.....	05 to 10		
Pumpkins, 100.....	10		
Pails, per dozen.....	05		
Puncheons, each.....	25		

	Pipes, each.....	25
	Pianos, each.....	1 00
	Pipes, half, each.....	15
Rates.	Pipes, quarter, each.....	08
	Quarter casks, each.....	08
	Spinning machines, each.....	25
	Straw cutters, each.....	05 to 10
	Salt per sack.....	03
	Slate, per ton.....	25
	Shot, 100 lbs. each.....	12½
	Sheep, each.....	03
	Stage coaches, each.....	1 50
	Staves, per M.....	50
	Stoves, foot.....	02½
	Shingles per M.....	20
	Spades and shovels, per dozen.....	10
	Sulkies, each.....	75
	Steamboats, per trip.....	5 00
	Sills, per foot.....	00½
	Tierces, each.....	15
	Trucks, each.....	5
	Tow, 2,000 lbs.....	50
	Two horse wagons, each.....	1 00
	Wheelbarrows, each.....	05
	Wagons, each.....	1 00
	Wood, per cord.....	15
	Wash Stands, each.....	05 to 10
	Yarn bales, each....	10
	Single small packages.....	05
Amendment.	Other articles not mentioned, at above rates ; —Be amended, as follows :	

SECTION 1. That the city of Montgomery, in the county of Montgomery, and State of Alabama, shall include in its corporate limits the lands described as follows, to-wit: The whole of fractional section twelve, township sixteen, range seventeen, to the west bank of the Alabama river, and the north-east quarter of section thirteen, township sixteen of range seventeen, the west half of the south-east fourth of section seven, the north half of section seven, and the south-west quarter of section seven, in township sixteen and range eighteen, and the north-west fourth of section eighteen in township sixteen of range

eighteen; and the inhabitants thereof shall be a body corporate, by the name and style of the City of Montgomery, and the mayor and aldermen of said city shall be named and styled the "City Council of Montgomery," and by that name for said city of Montgomery, may purchase, receive, hold or let, sell, grant, alien or assure property, real and personal, and sue and be sued, plead and be impleaded, and to do and perform any other acts incident to bodies corporate, to have a common seal, which may be changed at pleasure, and that their jurisdiction shall extend to and include all the lands above described, and all the Alabama river as above described, and all lands which shall hereafter be purchased by said city, for the purpose of using or occupying as a hospital, poor house, pest house, work house, or house of correction, and the laws or ordinances of the city of Montgomery shall apply to and be extended over said lands and the inhabitants thereof.

SEC. 2. *Be it further enacted,* That the corporation limits of said city of Montgomery, be, and the same are divided into six wards, as follows: All that part of said city lying south-west of Commerce street, north-west of Montgomery street, and north of Clayton street, shall form the first ward, and shall be known and styled as ward number one. And all that part of said city lying south-east of Montgomery street, south of Clayton street and west of Court street, shall form the second ward, and shall be known and styled as ward number two. And all that part of said city lying east of Court street, south of Market street and west of Lawrence street, shall form the third ward, and shall be known and styled as ward number three. And all that part of said city lying east of Lawrence street, south of Market, and South Market streets, shall form the fourth ward, and shall be known and styled as ward number four. And all that part of said city lying north of Market and South Market streets and east of Perry street, shall form the fifth ward, and shall be known and styled as ward number five. And all that part of said city lying north of Market street, and north-east of Commerce street and west of Perry street, shall form the sixth ward, and shall be known and styled as ward number six. And each of said wards numbered one, two, three, four, five and six, shall, and is hereby declared to be entitled to two aldermen, who shall reside in the

Corporate name.

City council.

Franchises.

Jurisdiction.

Six wards.

Ward No. 1.

Ward No. 2.

Ward No. 3.

Ward No. 4.

Ward No. 5.

Ward No. 6.

Each ward entitled to two aldermen.	same, and who shall be elected biennially by the qualified electors thereof, on the first Monday in December, each election year ; the next ensuing election for mayor, and aldermen, and clerk in said city shall be held on the first Monday in December, A. D. 1871. The mayor and clerk shall reside within the limits of said city, and the aldermen in their respective wards. The person receiving the greatest number of votes of the qualified electors in said city for mayor shall be declared mayor, and the person who shall receive the greatest number of votes of the qualified electors for clerk shall be declared clerk of the city, and the two persons in each ward receiving the greatest number of votes for aldermen shall be aldermen for such ward ; but if two or more persons have an equal number of votes for mayor or clerk, the aldermen shall determine who shall be mayor, and also who shall be clerk ; and if no two persons in any ward shall have a higher number of votes than any other person, the mayor and aldermen shall determine who shall be aldermen for that ward, the one having the highest number, always being one. The said mayor, clerk and aldermen shall hold their office until the next succeeding election after their election or appointment, and until their successors are duly elected and qualified. If a vacancy occur in the office of mayor, clerk or aldermen, by death, resignation or otherwise, such vacancies shall be filled, if of clerk or aldermen, by the mayor and aldermen, or if of mayor, by the aldermen. The aldermen shall (be) judge of the qualifications of the mayor, and the mayor and aldermen shall judge of the qualification of each alderman and of the clerk.
When and how elected.	
Time of election.	
Residence of officers.	
In case of tie.	
Term of office.	
Vacancies ; how filled.	
Judges of qualification.	

SEC. 3. *Be it further enacted,* That the said city council shall have power to increase the number of wards in said city, and to alter and change the limits of said wards as necessity or convenience shall in their judgment require.

SEC. 4. *Be it further enacted,* That the mayor and aldermen of the city of Montgomery shall appoint at least three respectable freeholders or householders in each ward, who shall be managers and conductors of all elections in the city held for municipal officers under this act, who shall, under oath, perform such duty faithfully, and report the result of all such elections under seal to the mayor and aldermen of the city,

within one week after said election is held. All male citizens who shall have resided within the State six months, and within said city three months, and ten days in their respective wards immediately preceding an election, shall be qualified electors for mayor, aldermen and clerk, and no person shall be eligible to the office of mayor or alderman unless, in addition to the qualifications of elector, he shall have resided in said city one year next preceding an election; and any persons claiming a residence in any particular ward in said city, must be *bona fide* residents therein, and no claim of residence therein on account of doing any kind of business, or occasionally eating or sleeping therein shall entitle them to such residence; or if after any election any alderman elect shall move his residence to another ward his office shall be declared vacant.

Qualification
of electors.

Qualification
of mayor.

What consti-
tutes residence

SEC. 5. *Be it further enacted*, That the said mayor and aldermen shall severally, before they enter upon the duties of their office, in addition to the oath prescribed for civil officers of the State, make and subscribe an affidavit that they will endeavor to prevent and punish all tumultuous and riotous assemblies, assaults and batteries, the keeping of gaming houses and houses of ill fame, and all other public offences and violations of the laws of the State and ordinances of said city, and will faithfully, to the best of their skill and judgment, execute their office without favor or partiality, which affidavit shall be filed in the office of the clerk in said city.

Oath.

SEC. 6. *Be it further enacted*, That the said mayor and aldermen, in council assembled, shall have power and authority to pass by-laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city, and to preserve the health thereof; to prevent and remove all nuisances at the expense of the person causing such nuisance, or upon whose property it may be found; to establish, set up, build and regulate hospitals, poor-houses, work-houses, or houses of correction, and make and pass laws, rules and regulations for the same not inconsistent with the laws of the State; to license, tax and regulate theatrical and other amusements, and shows, and other exhibitions; to restrain and prohibit gaming and keeping gaming-houses, and houses of ill fame; to establish night and day watches and patrols, and to appoint

Powers of
council.

leaders and captains thereof ; to alter old, make, alter and ascertain new streets and alleys ; to clean and keep in repair the streets and alleys ; to regulate the stationing, moving and anchorage of steamboats, and other boats and craft, within their jurisdiction ; to have a general control and superintendence over the wharf, wharves, ferry, ferriages, public springs and wells ; to establish necessary inspections ; to erect and regulate markets and the assize of bread ; to regulate the conveyance of water from the vicinity into said city ; to appoint auctioneers, and regulate sales at auction, provided the same shall not extend to sales under execution by order of court or by executors or administrators ; to erect public scale houses with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in case of disagreement between buyer and seller ; to license and regulate wagons, carts and drays, and hacks and carriages running from one part of the said city to another for hire ; and generally to pass such by-laws and ordinances, not contrary to the constitution and laws of this State, or of the United States, as said mayor and aldermen shall from time to time deem necessary and proper to carry into effect the true intent and meaning of this act, and the same to enforce, alter and repeal.

Powers to appoint officers and prescribe duties, &c.

May levy fines.

SEC. 7. *Be it further enacted*, That the mayor and aldermen shall have power to appoint a treasurer, wharfinger, marshal, one deputy marshal and assistants, day and night policemen, and other city officers as they may deem necessary, (and remove them at pleasure), and require such bond and security as they may deem necessary, and to annex such fees and salaries to their several offices as they may deem proper, and to impose such fines for the neglect of duty in office as they may deem necessary, not exceeding one hundred dollars. The said mayor and aldermen are also empowered to lay such fines, not exceeding one hundred dollars, for breach of their by-laws and ordinances as they may deem proper, and to enforce and collect the same in such manner as may be prescribed by ordinance, by execution against the person or property of the offender, or committing him or her to jail, as they may deem necessary or proper, which fines shall be appropriated in such manner as the said city council may prescribe.

SEC. 8. *Be it further enacted*, That the mayor, clerk

and aldermen shall be subject to removal for official misconduct, the mayor to be removed by a vote of two-thirds of the whole number of aldermen, and the clerk or an alderman to be removed by a vote of two-thirds of the board of city council; but in all cases of such removal of clerk or an alderman, the board trying the case shall consist of the mayor and at least two-thirds of the aldermen of said city, or in the absence of the mayor, of the mayor *pro tem.* and two-thirds of the aldermen, besides the temporary mayor.

SEC. 9. *Be it further enacted,* That the said mayor and aldermen shall have power and authority, for the ordinary expenses of said city, to assess, levy and collect annually a tax on real estate not exceeding one-half of one per cent. on the cash value thereof, and no more, in any one year, and the city council shall not contract any debt, or incur any liability in the future for or on account of the city of Montgomery, except such as shall be paid out of the ordinary current revenue of the city collected in the year the debt or liability is contracted; *Provided, always,* That this section shall not affect any liability already incurred by said city. The mayor and aldermen shall have power and authority to pass laws for the assessment, levy and collection of taxes not exceeding the following rates: A tax on all pleasure carriages, gigs, chairs, sulkies, buggies, carryalls, rock-aways, or otherwise, not exceeding one per cent. on the value thereof; on every cart, dray, wagon, and other vehicle used for the transportation of goods and commodities from one part of said city to another, for hire, a tax not exceeding fifty dollars per annum; on every retailer of spirituous liquors, a tax not exceeding five hundred dollars, and on every retailer of vinous or malt liquors, a tax not exceeding two hundred and fifty dollars per annum; on every vender of goods, wares and merchandise, drugs and medicines, or either of them, a tax not exceeding one hundred dollars per annum; on all goods sold at auction, a tax not exceeding one per cent. on amount of sales; on each livery or sale stable, a tax not exceeding fifty dollars per annum, and one dollar per head for each mule or horse sold at public auction, or at private sale in said city; on all offices or agencies of gift enterprises, lotteries or business of like character, a tax not exceeding one thousand dollars per annum; on all insurance offices or agencies for in-

How remova-
ble.

May levy tax.

Shall not con-
tract a debt.

Proviso.

Objects of
taxation and
license.

surance on life, or otherwise, foreign or domestic, a tax not exceeding one hundred dollars per annum ; on all free banks or bank agencies, or bankers or dealers in exchange, a tax not exceeding five hundred dollars per annum ; all persons buying cotton on commission, shall pay for a license to engage in such business, a sum not exceeding one hundred dollars per annum ; the keepers or proprietors of hotels, eating houses, restaurants, boarding houses, or taverns, where the public are fed for a consideration, shall pay a tax not exceeding five per cent. on the annual value of the rent of the building so used or employed by them per annum ; theatres, for each exhibition, or any public exhibition in the nature thereof, a tax not exceeding ten dollars ; circuses for each day, a tax not exceeding fifty dollars ; on all lectures, when an admission fee is charged, except for charitable or benevolent purposes, a tax not exceeding five dollars for each lecture ; on all other shows, exhibitions or performances, a tax not exceeding twenty-five dollars for each days' performance ; all transient persons engaged in the business of selling merchandise, a tax not exceeding twenty-five dollars per day ; lawyers and doctors, dentists, photographers and daguerrean artists, a tax not exceeding twenty dollars per annum ; billiard, pool, bagatelle, or other tables kept for playing, a tax not exceeding one hundred dollars per annum on each table ; on ten pin alleys, a tax not exceeding fifty dollars per annum on each alley ; concerts for profit, a tax not exceeding five dollars each ; auctioneers, a tax not exceeding one hundred dollars per annum ; warehouses kept for the storage of cotton, a tax not exceeding five cents per bale on all cotton stored ; on all public scales, a tax not exceeding twenty-five dollars per annum ; on all furniture and silver plated ware above the value of five hundred dollars, a tax not exceeding one per cent. on the value thereof ; pistols or shooting galleries, a tax not exceeding fifty dollars per annum ; gold watches, a tax not exceeding one dollar each ; gold safety or fob chains, a tax not exceeding fifty cents each ; companies for the manufacturing of gas, a tax not exceeding two hundred dollars, independent of the value of their property per annum ; steamboats lying at the wharf, per each day or any part thereof, a tax not exceeding five dollars ; telegraph companies, a tax not exceeding one hundred dollars per an-

num ; on all other business of every kind where a commission is charged for the service performed, a tax not exceeding one fourth of one per cent. on the gross sales or receipts ; on all receipts by cotton presses for compressing cotton, a tax not to exceed two hundred dollars per annum ; on each ice cream saloon, a tax not exceeding ten dollars per annum ; on soda fountains, a tax not exceeding ten dollars per annum ; manufacturers of soda, a tax not exceeding fifty dollars per annum ; on all manufacturers of mineral water, a tax not exceeding fifty dollars per annum ; pawn brokers, a tax not exceeding one hundred dollars per annum ; on all express companies, a tax not exceeding five hundred dollars per annum ; on all intelligence offices, a tax not exceeding five dollars per annum ; on all railroad companies, a tax not exceeding five hundred dollars per annum ; on coal and lumber yards for the sale of coal, lumber, shingles, or other building materials, a tax not exceeding fifty dollars for each yard per annum ; on all other manufacturing establishments, and builders or contractors, a tax not to exceed twenty-five dollars per annum ; on all itinerant peddlers, a tax not to exceed two hundred dollars per annum ; on all public balls, a tax not exceeding five dollars per night ; on every person, who engages as a runner or drummer in the city, who, for a compensation, drums or undertakes to do business for others, a tax not exceeding fifty dollars per annum ; on all real estate agents, who buy, sell, lease or engage in the business of dealing in real property, a tax not exceeding fifty dollars per annum ; on all gross sales by auctioneers, a tax of one-fourth of one per cent. on the amount sold ; on all commissions received by any person or persons for any service, or labor performed in any business, other than the sale of merchandise, a tax not exceeding one-fourth of one per cent. ; on all printing offices, a tax not exceeding one hundred dollars per annum.

SEC. 10. *Be it further enacted*, That the mayor and aldermen shall be *ex officio* vested with and may exercise in said city, all the powers and authority that belong to justices of the peace in criminal matters, by the laws of this State, and the marshal of said city, and the policemen, shall be *ex officio* constables, and shall be vested with and exercise, in said city, all the powers and authority of other constables of this State, and the said

Judicial powers of mayor.

Marshal and policemen.

Liabilities of
officers.

mayor, and aldermen, and marshal, and deputy marshal, and policemen, shall respectively be liable to the same penalties and restrictions as are imposed by the laws of this State upon the several offices with which they are invested; and the sheriff of the county of Montgomery, and all ministerial officers, shall obey the said mayor and aldermen in all matters in which the said mayor and aldermen have legal authority, and truly and faithfully execute the warrants, process and orders committed to them for service according to the mandate; and it is made the duty of the jailor of said county to receive all prisoners committed by warrants of said mayor or aldermen, and the person or persons so committed safely to keep confined in close jail till delivered therefrom by due course of law.

In case of
no election.

SEC. 11. *Be it further enacted*, That should the election not take place on the day fixed for the biennial election of mayor, aldermen and clerk, the corporation shall not, for that cause, be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day the said election shall be held; and should the mayor and aldermen at any time fail or neglect to provide for the election biennially, as herein provided, they shall be guilty of a misdemeanor under the laws of the State.

Exemption
fr'm road duty

SEC. 12. *Be it further enacted*, That the inhabitants of said city shall be exempted from working on roads and highways out of said city, and from patrol duty, except under the authority of said city, but the streets and highways in said city shall be kept in repair by said city, and the city council of said city shall have authority to make, alter, widen, extend or open any street within the limits of the city, whenever, in their judgment, the public convenience requires it, and whenever any making, extension, alteration or widening of a street (not opening one already established) is determined on by resolution of the city council, the mayor of the city shall endeavor to acquire the right to the use of the lands necessary for that purpose, by purchase or gift from the proprietor or proprietors, and when the mayor cannot obtain the lands by purchase or otherwise, or when the proprietor or proprietors of any of the lands necessary for the purpose aforesaid, shall be an

Provision for
repairing and
open'g streets

infant, *non compos mentis*, married woman, non-resident, or person unknown, then the mayor shall apply to the clerk of the circuit court of Montgomery county for a writ of *ad quod damnum*, to be directed to the sheriff of Montgomery county, commanding him to summon a jury of seven freeholders or householders of the county, not residents of the city of Montgomery, to appear before the sheriff on a day named, not less than ten days from the date of the writ, and to proceed, under his direction, after being sworn impartially to discharge their duty, to assess the value of the lands of such proprietor named in the application for the writ, and in the writ, which shall state the lands required for use as part of the street, and the names of the owners respectively; and the said jury shall, after viewing the premises, render a verdict which may be done by a majority, which verdict shall be endorsed on the writ by them, and shall assess the damages to each proprietor severally, and the sheriff shall thereupon return the writ so endorsed to the clerk of the circuit court, and the verdict so rendered shall be entered on the records of the circuit court at the next term of the court after its return, unless an appeal shall have been taken in the manner hereinafter prescribed. On the return of the verdict, and the payment to the clerk of the damages assessed, the land so assessed shall enure to the public use as part of the streets, unless the city council, or some proprietor or proprietors shall, within thirty days, take an appeal to the circuit court; and on such an appeal being taken the matter shall be tried in the circuit court *de novo*; on the suing out of the writ the mayor shall pay to the clerk of the circuit court three dollars for his fees, two dollars for each juror, and five dollars for the sheriff.

SEC. 13. [*Be it further enacted*, That] all male citizens ^{Patrol duty.} over eighteen and under forty-five years of age, shall be liable to patrol duty, and to serve as guard or watch at such times and in such manner as may be prescribed by the said city council.

SEC. 14. *Be it further enacted*, That it shall be the duty ^{Duty of mayor} of the mayor to preside and keep order at all meetings of the mayor and aldermen; he shall call meetings of the aldermen whenever, in his opinion, the interest of the said city may require it; he shall keep an office in said city, and hear and determine all cases for breach of the ordinances and by-laws, and shall receive such

fees and salary as may be prescribed by the city council. In the absence or inability of the mayor to preside, the aldermen shall appoint one of their own number mayor *pro tempore*, who shall discharge the duties of mayor till the mayor returns, or his inability is removed. Each of the aldermen may also hear and determine causes for breach of the by-laws and ordinances. Two aldermen may call a meeting; the mayor and six aldermen, or seven aldermen shall form a quorum, unless the number of aldermen is increased to more than twelve; in that case the mayor and one-half of the aldermen, or a majority of the aldermen without the mayor, shall constitute a quorum.

Mayor pro tem *pro tempore*, who shall discharge the duties of mayor till the mayor returns, or his inability is removed. Each of the aldermen may also hear and determine causes for breach of the by-laws and ordinances. Two aldermen may call a meeting; the mayor and six aldermen, or seven aldermen shall form a quorum, unless the number of aldermen is increased to more than twelve; in that case the mayor and one-half of the aldermen, or a majority of the aldermen without the mayor, shall constitute a quorum.

Powers of aldermen. of seven aldermen shall form a quorum, unless the number of aldermen is increased to more than twelve; in that case the mayor and one-half of the aldermen, or a majority of the aldermen without the mayor, shall constitute a quorum.

Tax assessment. **SEC. 15.** *Be it further enacted*, That the said city council may cause an assessment of taxes to be made in each and every year by some proper and fit person or persons, the assessment naming the person liable to such taxes when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor, and laid before the mayor and aldermen, and the mayor shall cause at least ten days' public notice that such assessment has been made, and the time when the mayor and aldermen will proceed to hear and determine upon all complaints which may be made against such assessment; and it shall be their duty to correct errors and supply omissions, and when the same has been passed upon by said city council, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property, on giving such notice as is required by law on executions from the circuit court. The city council of Montgomery shall have a prior lien upon all real estate assessed for taxes, over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment, the collector of said city shall, by deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, saving those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

Notice of assessment. and the mayor shall cause at least ten days' public notice that such assessment has been made, and the time when the mayor and aldermen will proceed to hear and determine upon all complaints which may be made against such assessment; and it shall be their duty to correct errors and supply omissions, and when the same has been passed upon by said city council, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property, on giving such notice as is required by law on executions from the circuit court. The city council of Montgomery shall have a prior lien upon all real estate assessed for taxes, over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment, the collector of said city shall, by deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, saving those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

Correction of errors. correct errors and supply omissions, and when the same has been passed upon by said city council, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property, on giving such notice as is required by law on executions from the circuit court. The city council of Montgomery shall have a prior lien upon all real estate assessed for taxes, over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment, the collector of said city shall, by deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, saving those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

Form of assessment. and may be collected by levy and sale of property, on giving such notice as is required by law on executions from the circuit court. The city council of Montgomery shall have a prior lien upon all real estate assessed for taxes, over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment, the collector of said city shall, by deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, saving those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

Priority of lien. assessed for taxes, over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment, the collector of said city shall, by deed, convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, saving those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

Title to purchaser. order of priority of liens to that of any liens then existing, saving those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

Proviso as to unknown owners. are not known, ninety days' notice of the sale specifying the property and the amount of the tax shall be given in some newspaper in said city before the day of sale; *And provided further*, That the duties, in this section above required of the mayor and aldermen, ex-

cept as to giving notice and issuing process, may be devolved upon a board of assessors, and the assessment approved by them shall have the same force and effect as if approved by the mayor and aldermen ; and no sale of real estate, for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment and sale, unless the person impeaching such sale shall show that the taxes so assessed on such property, and all the penalties and costs accruing on such assessment, and the proceedings for sale, were paid at the time of said sale.

Assessment to wrong owners does not invalidate sale

SEC. 16. *Be it further enacted*, That the said city council is hereby authorized and empowered to pass laws for the sale of the real estate in said city for taxes, whether the said real estate belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or sub-division of lot, or so much thereof as may be necessary to pay the taxes due, and that the owner or any one for him, or any mortgagee or person having a lien, be allowed to redeem at any time within two years from the sale, on paying the purchaser, or the city treasurer for him, double the amount of the taxes, costs and expenses of sale paid by the purchaser, and ten dollars for the expenses of reconveyance and legal interest on the amount paid at such sale, from the date of sale to the day of redemption, any surplus arising from said sale to be paid into the city treasury, to be kept by that officer for the owner upon the responsibility of his bond. Interest shall be collected on all taxes assessed from the first day of December next after the assessment, if not paid by that day, and that where any lot or part of lot has been assessed to an unknown owner, the assessment shall be *prima facie* evidence of the fact, and that the city council may, by its agent, purchase real estate sold for the taxes ; and in such event the deed for the same shall be made to the mayor of said city, to be held by him for said city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed, the mayor shall reconvey to the owner at the owner's expense as aforesaid.

Council may pass laws for tax sales.

Right of redemption.

Interest on taxes.

City council may purchase.

SEC. 17. *Be it further enacted*, That the said city council of Montgomery "shall have full power and au-

Council may
make laws.

thority to make, ordain and enact such laws and regulations (not contrary to the constitution and laws of this State or the United States,) as may be deemed necessary in relation to the streets and highways, public buildings, and powder magazine, market and market houses; and also, concerning hospitals, work houses and houses of correction; and said city council is hereby clothed with all power and authority to make and ordain all necessary laws concerning idlers, paupers, disorderly and vicious persons, in correcting and restraining their vicious ways, and all persons convicted of any breach of the laws and ordinances of the city failing to pay any fine and costs that may be imposed, to place such persons at work and labor for the city, or under its direction, until such fine and costs are paid by such offenders.

Free schools.

SEC. 18. *Be it further enacted*, That the said city council of Montgomery shall have full power to establish free schools and to regulate them, and for this purpose may appropriate not exceeding ten per cent. of the gross revenues of the city, and to organize and establish such schools, in connection with other schools established or organized under the direction of the board of education of this State, on such terms as may be agreed upon between them, or independently of said board of education.

Exemption
of retail'rs and
merchants.

SEC. 19. *Be it further enacted*, That retailers of spirituous and other liquors, and all other persons engaged in mercantile pursuits, who may procure a license from said city council for the carrying on of their business in said city, shall be exempted from paying any tax or fees for license to the county of Montgomery, for the privilege of carrying on such business in said city.

May tax ser-
vice pipe.

SEC. 20. *Be it further enacted*, That said city council shall have power to assess, levy and collect a tax not exceeding one-half of one per cent. on the value of all service pipe laid by any person or company in the streets of said city.

May prohibit
the erection of
wooden build-
ings.

SEC. 21. *Be it further enacted*, That the said city council shall have power to regulate or prohibit the erection of wooden buildings in any part of said city they may think proper and necessary.

SEC. 22. *Be it further enacted by the General Assembly of Alabama*, That the city council of Montgomery be, and are hereby authorized and empowered to charge and

collect wharfage at the city of Montgomery on all goods, wares and merchandise shipped by river to and from said city, and upon vessels landing at the wharves of said city as heretofore, subject to such regulations as the said city council had adopted on the 16th day of December, 1867, at the following rates :

	\$	cts.	
Anchors, per ton.....		50	
Anvils, (small) each.....		05	
Anvils, (large) each.....		10	
Almonds, per sack.....		03	
Bales of cotton, each.....		08	
Bales of Hemp, each.....		10	Rates.
Bales of India bagging.....		25	
Bales of gunny bags.....		10	
Bundles twine.....		03	
Bales hides, from.....		10 to 25	
Barges, per trip.....	2	00	
Barrels of molasses and whisky, each.		08	
Barrels merchandize, each.....		05	
Barrels of $\frac{1}{2}$ and $\frac{1}{4}$, each.....		03	
Barrels of hams, each.....		10	
Barrels in nests, each.....		05	
Boxes merchandise per cubic foot.....		01	
Boxes Havana sugar, each.....		15	
Boxes lemons and oranges, each.....		05	
Boxes wine and cider, each.....		05	
Boxes cheese, (one cheese) each.....		02 $\frac{1}{2}$	
Boxes soap, candles and starch, each...		04	
Boxes axes, (12) each.....		05	
Boxes tin and glass, each.....		03 to 06	
Boxes raisins, herring and codfish, each,		02 $\frac{1}{2}$	
Boxes tobacco, each.....		10	
Bale rope, per coil.....		04	
Bagging, per piece.....		04	
Bath tubs, each.....		10	
Boilers, steamboat and mill, each.....	2	00	
Boats, each.....	1	50	
Bellows, each, from.....		05 to 15	
Bark mills, each.....		15	
Bags coffee, pepper and sugar.....		05	
Bundle brooms, (1 dozen).....		05	
Bundles paper, each.....		02 $\frac{1}{2}$	
Ballast, per ton.....		25	
Buckets and tubs, per nest.....		05	
Bananas, per bunch.....		02 $\frac{1}{2}$	

	\$	cts.
Bricks per M.....	40	
Beeves, each.....	10	
Buggy wagons, each.....	1 00	
Bran, per sack.....	05	
Champagne, per basket.....	10	
Carriages, each.....	1 50	
Cables, cordage, &c. per ton.....	50	
Cedar logs, each.....	02½	
Carts, each.....	50	
Chairs, each.....	02½	
Casks, bacon, each.....	20	
Corn in bulk, per bushel.....	02½	
Corn, slip shuck, per bushel.....	02½	
Corn in sack, each.....	03	
Coal in bulk, per ton.....	50	
Coal in casks, each.....	20	
Cots and matrasses, each.....	05	
Cotton gins, each.....	50	
Corn shellers, each.....	10 to 20	
Corn mills, each.....	25	
Crockery, hhds. and crates, each.....	01	
Cows, each.....	10	
Cigars, per M.....	02½	
Demijohns, each.....	03	
Deer skins, per bundle.....	05	
Drums figs, each.....	02½	
Drums, fish, each.....	10	
Firkins butter, each.....	05	
Fodder and shucks, per bale.....	10	
Four horse wagons, each.....	1 50	
Flat boats after three days, per day....	1 00	
Gigs, each.....	75	
Grain, each sack.....	06	
Grindstones, each.....	05	
Hdds. sugar, each.....	25	
Hides, each.....	01	
Hogs, each.....	05	
Hampers potatoes, each.....	05	
Hay, per bale.....	10	
Hogsheads, each.....	40	
Horses, each.....	15	
Hubbs, each.....	01	
Hewed logs for fencing, per post.....	02	
Iron (castings,) per ton.....	50	
Iron, other than castings, and all other materials, per cwt.....	05	
Ice, per ton.....	25	

Rates.

Kegs, nails, each	03	
Kegs, lard, each	03	
Kegs powder, each	05	
Kits and half kits, each	02½	
Lumber per M	10	
Logs and wood rafts, each	10	
Mill stones, per pair	50c.	to 1 00
Measures in nests, each	05	
Oats, per sack	03	
Oranges, per sack	05	
Onions, 100 bunches	05	
Packages per cubic foot	01	
Ploughs	05 to 10	Rates.
Pumpkins, 100	10	
Pails per dozen	05	
Puncheons, each	25	
Pipes, each	25	
Pianos, each	1 00	
Pipes, half, each	15	
Pipes, quarter, each	08	
Quarter casks, each	08	
Spinning machines, each	08	
Straw cutters, each	05 to 10	
Salt, per sack	03	
Slate, per ton	25	
Shot, 100 lbs., each	12½	
Sheep, each	03	
Stage coaches, each	1 50	
Staves, per thousand	50	
Stoves, per foot	02½	
Shingles, per thousand	20	
Spades and Shovels, per dozen	10	
Sulkies, each	75	
Steamboats, per trip	5 00	
Sills, per foot	00½	
Tierces, each	15	
Trucks, each	05	
Tow, 2,000 lbs.	50	
Two horse wagons, each	1 00	
Wheelbarrows, each	05	
Wagons, each	1 00	
Wood, per cord	15	
Wash stands, each	05 to 10	
Yarn bales, each	10	
Single small packages	05	
Other articles not mentioned, at above rates.		

SEC. 23. *Be it further enacted*, That the said city

In relation
to street auc-
tioneers.

council shall have the authority to pass ordinances in relation to auctioneers carrying on their business in the streets of said city, and to prohibit or regulate the same, and to impose such fine for the violation of any of their ordinances relating to the same, as said city council may ordain, not to exceed one hundred dollars for each offense.

Officers may
arrest without
warrant in cer-
tain cases.

SEC. 24. *Be it further enacted,* That when the marshal, deputy marshal, or any assistant marshal, or policeman of said city, shall have good reason to believe that an offense has been committed against the laws of the State, or the ordinances of said city council, or that any fugitive from justice from another State is in said city or its neighborhood, and shall also have good reason to believe that the offender against the said laws, or ordinances, or such fugitive from justice, may make his escape unless immediately arrested, such officer shall be authorized forthwith to arrest such offender or fugitive from justice without any warrant issued therefor, and either in said city or in its neighborhood, but in all such cases of arrest, the officer making the same, shall immediately take the prisoner before a justice of the peace, or other officer having power to investigate the charge, and make complaint to him of the offense charged against the prisoner, and such justice or other officer shall thereupon take jurisdiction of the case, and proceed as in other cases, when complaint is made of a violation of law, and in all cases of arrest as above provided, if any officer is indicted or complained of, to the mayor or aldermen for a breach of the peace or other offense, he shall have the right on his trial to be examined as a witness, and give evidence of the reasons which induced him to make such arrest.

Duty of offi-
cers making
such arrest.

In case such
officer is in-
dicted.

May punish
for resistance
of officer, &c.

SEC. 25. *Be it further enacted,* That said city council shall have power to pass ordinances for the punishment of all persons who in any manner obstruct the marshal, deputy marshal, or any assistant, or policeman in the arrest of any person in said city, or in the lawful performance of any of his duties in said city, and for the punishment of all persons, who, when called upon by any of said officers to aid in the arrest of any person in said city, shall refuse to render assistance as required, which punishment shall be by fine not exceeding one hundred dollars; and in all cases, when any person is so called on, and aids such officer as required, such

person shall not be liable to indictment or punishment in the courts of the State therefor, nor to punishment by the mayor or aldermen of said city, nor to any damages in any civil action, provided, he did no more than was reasonably necessary to effect such arrest.

Exemption of persons assisting officer.

SEC. 26. *Be it further enacted*, That an appeal may be had to the first term of the circuit court of Montgomery county from the judgments rendered by the mayor and aldermen aforesaid, in cases where the violation of the ordinances or by-laws of said city is involved, upon the same terms and conditions as are prescribed in cases of appeal from the judgments of justices of the peace, and which appeal shall be tried at the first term of said circuit court, unless a continuance is granted by the presiding judge to either party.

Appeal from judgment of mayor.

SEC. 27. *Be it further enacted*, That should the regular election for municipal officers of said city fail to be held from any cause, the said corporation shall not for that reason be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and when said election has not been held, it shall be the duty of the mayor and aldermen to fix on some other day, as early as convenient, within one month after the regular day of election, on which said election shall be held, of which notice shall be given in the newspapers published in said city.

Failure of election does not dissolve corporation.

Duties of council on failure of election

SEC. 28. *Be it further enacted*, That the said city council be, and they are hereby authorized and empowered to issue bonds of the city of Montgomery to an amount not exceeding one hundred thousand dollars, bearing eight per centum interest, and redeemable in not exceeding twenty years, for the purpose of buying a site, and erecting thereon a city hall and market, and the said city council are hereby authorized to appropriate and pledge for the payment of the interest and principal of said bonds, such property or revenues of the said city of Montgomery as they shall determine.

May issue bonds for city hall, &c.

Approved, March 3, 1870.

No. 293.]

AN ACT

To give additional aid to the South and North Alabama Railroad Company.

Be it enacted by the General Assembly of Alabama,
 Additional
 \$8,000 per mile That the Governor of the State of Alabama is hereby
 Proviso. required to endorse the bonds of the South and North
 Alabama Railroad Company to the extent of six thousand
 dollars per mile, in addition to the sixteen thousand
 dollars per mile now authorized to be made under and
 by virtue of the provisions of the general internal im-
 provement laws of this State ; *Provided*, That said rail-
 road company shall become subject to the same condi-
 tions, qualifications, restrictions and terms as are pre-
 scribed in the laws of the State of Alabama, heretofore
 enacted, on the subject of endorsement of railroad bonds
 by the State.

Approved, March 3, 1870.

No. 294.]

AN ACT

To regulate agencies of Life Insurance companies of
 the other States of the United States doing business
 in the State of Alabama.

Preamble. WHEREAS, The life insurance companies incorpor-
 ated under the general laws of the State of Alabama,
 and by the legislature of the State of Alabama, who
 have agencies in some other States of the United States
 of America, are required, before being permitted to
 transact any business in said States, to make a deposit
 with the comptroller of said States, certain bonds, se-
 curities, &c. ; And whereas, The agents of the life
 2d preamble. insurance companies of the other States of the United
 States, are not required, by any existing laws of this
 State, to deposit any bonds or other securities with the
 comptroller of this State before doing business as agents
 for said Life Insurance companies in this State : There-
 fore—

Be it enacted by the General Assembly of Alabama,
 That whenever the existing or future laws of any other
 State of the United States, shall require of any life

insurance company or companies incorporated by an act of the legislature of this State, or under the general laws of this State, or of the agencies of such other State or of the agencies thereof, any deposit of bonds, or securities in such State, for the protection of policy holders or otherwise, or any payment for taxes, penalties, certificates of authority, license fees, or otherwise, greater than the amounts required for such purposes, from similar companies of other States by the then existing laws of this State, then, and in every such case, all companies of such States establishing, or having heretofore established an agency or agencies in this State, shall be, and are hereby required to make the same deposit, for a like purpose, with the comptroller general of this State, and having agencies in such other State, and to pay to said comptroller general for taxes, fines, penalties, certificates of authority, license fees, or otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such State upon any company or companies of this State, and agents thereof.

Conditions.

Requirements from agencies.

SEC. 2. *Be it further enacted*, That all persons violating the provisions of this act, shall be liable to indictment, and on conviction shall be fined not less than three hundred dollars, nor more than one thousand dollars, at the discretion of the jury trying the same.

Penalty for violation.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Conflicting laws repealed.

Approved, March 3, 1870.

No. 295.]

AN ACT

To amend section 1321 of the Revised Code of Alabama, and for other purposes.

Be it enacted by the General Assembly of Alabama, That section 1321 of the Revised Code of Alabama, which reads as follows: All females, all male persons of color over sixty and under fourteen years of age; all white male persons over fifty and under sixteen years of age, and all other persons exempted by any special law, are exempt from working on public roads, be so

Section 1321 recited.

Amendment. amended as to read as follows: All females and all male persons under the age of eighteen years, and over forty-five years of age, except such persons as may be convicted of crimes or misdemeanor by any court of this State, by any court of competent jurisdiction therein, are exempt from working on public roads.

Approved, March 3, 1870.

No. 296.]

AN ACT

To lend the credit of the State of Alabama to the Montgomery and Eufaula Railroad Company, for the purpose of expediting the construction of its railroad within said State.

Ensemble. WHEREAS, The multiplication of the means of transportation by railway from the central, and other portions of Alabama to the best harbors or ports of the Atlantic, is essential to the reduction of the high rates which still prevail for transportation between the points above indicated;

Whereas, The railroad of the Montgomery and Eufaula Railroad Company will increase the facilities and reduce the price of transportation between said points, and thus contribute materially to the welfare and prosperity of the people of Alabama;

Whereas, The considerable portion of said railroad must necessarily be constructed through one of the best agricultural regions of the earth, but which is a region of prairie requiring extraordinary expense in the construction and maintenance of a railroad: Therefore—

Be it enacted by the General Assembly of Alabama,
 \$300,000 of That the Governor of this State be, and he is hereby
 bonds to be authorized and required to loan to the Montgomery
 loaned. and Eufaula Railroad Company above mentioned, for
 the purpose of expediting the construction of the
 Nature of railroad of said company, three hundred thousand
 bonds. dollars in the bonds of this State, payable in not less
 than fifteen, nor more than thirty years from their
 date, bearing interest at the rate of eight per cent.
 per annum, payable semi-annually in the city of New
 York, upon the execution and delivery to the Governor

by said railroad company of its second mortgage bonds for the like amount, and with like interest. The interest on these second mortgage bonds to be payable in every instance at the treasury of this State, at least fifteen days before the corresponding interest on the said State bonds is payable; which said second mortgage bonds shall constitute a lieu upon all the property and franchises of said railroad company, and the acceptance of this loan shall bind the said railroad company never to apply for any further aid from this State than is provided for by the laws now existing; *Provided*, That the bonds, issued under the provision of this act, shall not be sold for a less amount than ninety cents on the dollar.

SEC. 2. *Be it further enacted*, That the said Montgomery and Eufaula Railroad Company shall provide a sinking fund for the liquidation of the principal of this loan, the same, and in the same manner, and upon the same terms as are now required by the general law providing for the State endorsement of the bonds of the several railroad companies in this State. Sinking fund.

SEC. 3. *Be it further enacted*, That the said Montgomery and Eufaula Railroad Company, before receiving any of the benefits of this act, shall furnish to the Governor undoubted and satisfactory security for the faithful application of the bonds, or the proceeds thereof, to the further construction and equipment of the said Montgomery and Eufaula Railroad. Security required.

SEC. 4. *Be it further enacted*, That before receiving any of the bonds provided for in this act, the said Montgomery and Eufaula Railroad Company shall execute a good and sufficient bond, with undoubted personal security, conditioned, that said railroad of said company shall be completed to the city of Eufaula, Barbour county, by the first day of October, A. D., 1871. Bonds for completion of road.

Approved, March 3, 1870.

No. 297.]

AN ACT

To establish a new charter for the town of Decatur.

Be it enacted by the General Assembly of Alabama, That the corporation of the town of Decatur shall hereafter consist of a mayor and council, and shall be known and styled as "The Mayor and Council of the town of Decatur," and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said town, and may have and use a common seal, which may be broken or altered at pleasure.

Corporation.

SEC. 2. Be it further enacted, That the corporate limits and boundaries of the town of Decatur, in the county of Morgan, shall be, and the same are hereby designated and established as follows: The eastern boundary shall be a line running north and south, at the distance of fifteen hundred yards from the east side of the bank building; the southern boundary shall be a line running east and west, at the distance of fifteen hundred yards from the south side of the bank building; the western boundary shall be a line running north and south, at the distance of fifteen hundred yards from the west side of the bank building; and the northern boundary shall be the low water mark of the Tennessee river.

* Corporate limits.

SEC. 3. Be it further enacted, That no person shall be eligible to the office of mayor or councilman aforesaid, unless he be a citizen of lawful age, and resident within the corporate limits of the said town, as described in this act, at the time of his election.

Qualifications for office.

SEC. 4. Be it further enacted, That the mayor of said town, the councilmen, a marshal and a town clerk, shall be elected by ballot by the inhabitants, legal voters of said town, resident within the limits thereof as described in this act.

Officers to be elected.

SEC. 5. Be it further enacted, That the election for municipal officers, under this act, shall be held on the first Tuesday of May, 1870, and every two years thereafter, and the said officers so elected shall hold their office for two years from the date of said election, or until their successors are elected and qualified.

First election, when held.

Term of office.

SEC. 6. Be it further enacted, That it shall be the duty

of the sheriff of Morgan county to give at least ten days' notice of the election, to appoint inspectors and returning officers, to open a sufficient number of polls, and to provide for an election of the officers mentioned in this act, on the first Tuesday of May, 1870, according to laws governing elections in this State, and it shall be the duty of the sheriff to maintain and preserve strict order at said election. The returning officers of said election shall certify to the same, and make returns to the sheriff of said county, who shall declare the election of, and give certificates to the persons so elected, who shall, before entering upon the duties of office, take the oath prescribed by the constitution of the State of Alabama.

Notice of election.

How conducted.

SEC. 7. *Be it further enacted*, That in all future elections, after the first election hereinbefore provided for, the mayor, for the time being, shall give thirty days' public notice in some newspaper published in the county of Morgan, of the time and place of holding said election, which election must be held in the town of Decatur, according to laws governing elections in this State; and the mayor shall have full power and authority to keep order at said elections, and to commit to the jail of the county, or to the town jail or lock-up, for a time not exceeding forty-eight hours, any person or persons who shall make, or attempt to make, any disturbance at the place or places where such elections are being held, so as to interfere with the peaceable and orderly conducting of said elections; and the sheriff of Morgan county, and all police officers of the town of Decatur, are hereby commanded to obey and carry into execution all process issued by the said mayor as aforesaid, in pursuance of said act; and if there shall be an equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of mayor and councilmen, or either of them, is prevented thereby, the said mayor shall declare the fact, and shall issue notice in the same manner and form as is required by this act for the regular election, for a new election, to fill the vacancy occasioned by those persons having an equal number of votes.

Future election.

Disturbers of election, how dealt with.

In case of tie.

SEC. 8. *Be it further enacted*. That the polls for said election shall be opened, and kept open in the manner prescribed by the laws governing elections in this State; and on closing the polls, the judges shall proceed imme-

Polls.

diately, and in a public manner, to count the ballots, and when the certificates of the said judges or inspectors shall be filed as aforesaid, the clerk shall immediately give to each person a certificate of his having been duly elected.

Contested
elections.

SEC. 9. *Be it further enacted*, That if any election herein provided for, shall be contested, it shall be decided before the judge of the Morgan circuit court, and shall be governed by the laws of this State providing for contested elections.

Ballots.

SEC. 10. *Be it further enacted*, That the ballots cast at the several voting places in the said town of Decatur, shall be carefully sealed up without examination; after said election they shall be deposited with the clerk of said town, who shall preserve the same for thirty days, and then, if there be no contest, said clerk shall cause the same to be burned in his presence; but if there be a contest, they shall be delivered to the judge trying the same.

Temporary
vacancies.

SEC. 11. *Be it further enacted*, That in case of the sickness or temporary absence of the mayor, the duties of his office shall be performed by one of the councilmen, who shall be designated by the board of councilmen for said duty.

In case of
removal.

SEC. 12. *Be it further enacted*, That if the mayor or any councilman shall, after his election, remove his domicile out of the town limits, he shall thereby forfeit and vacate his office; and in the event of his death, resignation or removal, the town council, on five days' public notice, shall have authority to elect some person to fill the vacancy thus created, and the person so elected shall hold the office to which he shall have been elected for the remainder of the unexpired term.

Deposition
from office.

SEC. 13. *Be it further enacted*, That any councilman may be deposed for misconduct in office, or habitual neglect of his duty as councilman, by a vote of all the other members of the council; the mayor may be removed from office for malfeasance in office, or for any cause which permanently incapacitates him from discharging his duties, by the circuit court of Morgan county, on the presentment of three members of the council. The charges and specifications shall be filed in the office of clerk of the circuit court by the council, in the name of the town, signed by three members of the council, attested by the town clerk; and notice to

Proceedings.

the mayor of the filing of the same shall be issued by the clerk of the circuit court, and served by the sheriff of the county. The case shall be put upon the docket and stand for trial at the first term of the court after the filing of the charges; *Provided*, Twenty days' notice has been given to the mayor; if said notice has not been given, then the next term shall be trial term. The trial shall be conducted according to the rules of practice in criminal cases. The judgment of the court in trials under this section, shall not extend beyond removal from office, and the imposition of costs upon the unsuccessful party.

SEC. 14. *Be it further enacted*, That the board of councilmen shall have power to hold and adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, designating the time and place of holding such meeting. They shall keep a journal of their proceedings, and shall enter the yeas and nays on any question, resolve or ordinance, at the request of any member. Meetings.

SEC. 15. *Be it further enacted*, That the said mayor and councilmen shall have full power and authority to pass all by-laws and ordinances to regulate the stationing, anchorage and moorings of vessels within their jurisdiction; to prevent and remove nuisances, and to prevent the introduction of contagious diseases within the said town, by regulating the landing of vessels having sick on board, and the landing of the sick, or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatever; to establish police, and to erect lamps; to provide for licensing and regulating retailers of liquors within the limits of said corporation, and to fix the sum to be paid for the same, and for annulling the same, on good and sufficient complaint being made against any person holding said license; to provide for the regulating of hackney coaches, carriages, wagons, carts, and drays, and licensing the same; to provide for the regulating of pawnbrokers within the said town; to restrain or prohibit gambling; to provide for and regulate theatrical and other public amusements within the said corporation; to establish and regulate markets, and to rent out the stalls in the same, and to prohibit the selling of meats, poultry, fish Powers of council.

or game (except at the public market or markets), during the hours when such markets shall be regularly open; to erect and repair bridges; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same; to establish and keep open all side walks; to provide for the licensing of chimney sweepers, and regulating the sweeping of chimneys, and fixing the rates thereof; to establish and regulate fire walls and fire companies; to sink wells and erect and repair pumps in the streets; to impose and appropriate fines, penalties, and forfeitures for the breach of their ordinances or by-laws; to enact by-laws for the prevention and extinguishment of fires, and, if necessary, to remove or pull down buildings or fences for the prevention of the spreading of the same; to erect or establish hospitals or pest-houses, work-houses, houses of correction, or other buildings for the use of the town, or to join with the county of Morgan in the erection of the same; and to levy and collect taxes as prescribed by this act for defraying the expenses thereof, and for all other necessary purposes; to regulate partition fences and other fences, and to determine by whom the same shall be made and kept in repair; to restrain and prohibit the nightly or disorderly assemblages of all persons, and to punish for such offenses by affixing penalties, not exceeding fifty dollars for any one offense; and in the case of the inability of any such person to pay and satisfy said fines or penalties, and the costs thereof, to sentence such person to labor in the work-house or prison for such reasonable time, not exceeding six calendar months for any offense, as may be considered equivalent to such fine or penalty and costs, which said labor shall be such as shall be designated by the said mayor and councilmen; *Provided*, That the person so fined shall have the right to give a stay-bond, with approved security, to pay said fine or penalty and costs within thirty days, and if he fail to pay the same within that time, then execution may issue against the obligators on said bonds; to cause all vagrants, idle, disorderly or dangerous and suspicious persons; all persons of evil life or ill-fame, and all such as have no visible means of support, or are likely to become chargeable to the town as paupers, or are found begging or drunk about the streets, or loitering about tippling houses, or can show no reasonable employment

or business in the town, or who have no fixed place of residence, or cannot give a good account of themselves ; all who are grossly indecent in language or behavior publicly in the streets ; and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behaviour for a reasonable time, and to indemnify the town against any charge for their support ; and in case of their inability or refusal to give such security for their good behavior, to cause them to be confined to labor for a limited time, not exceeding six calendar months, unless such security shall be sooner given, which said labor shall be in the workhouse ; and if such person shall be found afterwards offending, such security may again be required, and for want thereof, the like proceedings may again be had, from time to time, as often as may be necessary ; to take care of, remove, preserve, designate and regulate all burying grounds within the corporation ; to regulate all weights and measures, and to pass all such resolutions, by-laws, or ordinances as they, or a majority of them, may deem requisite and necessary for the good government of the said town, not contrary to the laws of the State of Alabama. •

SEC. 16. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to receive, shipment and landing of goods, wares and merchandise at and from the wharves or landing within said town, and shall have power to assess and collect a tax on all property sold at or upon the wharves or landings of the said town, or upon steam or flat-boats, or otherwise, before the same shall be stored, and also to assess and collect such tax or dues upon all property shipped or received at the same, as may be deemed proper, but the powers given by this section shall not be so exercised as to interfere with the foreign or inter-state commerce. Regulations.

SEC. 17. *Be it further enacted*, That the mayor and councilmen shall have full power to establish ferries and toll bridges across the Tennessee river within the limits of said town, and regulate the rates of ferriage and toll of the same ; *Provided*, That such bridges shall be so constructed as not to impair or obstruct the navigation of the Tennessee river. Ferries, &c.

SEC. 18. *Be it further enacted*, That the mayor and councilmen shall have full authority to create all such

Other officers
and agents.

officers and agents as may be necessary to carry into effect the powers conferred upon the corporation, all that may be deemed necessary and proper for the good government of the town, and for the preservation of the peace therein, and to prescribe the duties of all such officers or agents; to regulate and control them in the performance of their respective duties as officers or agents; to fix compensation for all officers or agents and employees, and provide for their payment as to the said mayor and councilmen shall seem best, and at any and all times to remove or discharge any, or all of said officers, or agents, or employees; or to repeal, alter or amend the ordinances or regulations, creating or employing officers or agents, or regulating or controlling their duties or compensation, and to require such bond or security as they may deem proper.

Conservators
of the peace.

SEC. 19. *Be it further enacted*, That the mayor and each of the councilmen shall be conservators of the peace in and for said town of Decatur, and the mayor or any councilmen acting as mayor, and performing the duties of mayor, shall have power to arrest, examine, commit or discharge on bail, all persons charged with criminal offences, and to administer oaths in the same manner as justice of the peace.

Mayor must
preside.

His duties.

SEC. 20. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the board of councilmen when practicable, to see that the laws of the corporation are duly executed; and to hold a court once in each day of the week (Sundays excepted), if necessary, for the trial of all offenders against the laws and ordinances of the corporation. He shall report to the council all cases of negligence, incapacity, or misconduct on the part of any officer or agent of the corporation; he shall from time to time lay before the council in writing such suggestions as he may deem proper, touching the concerns, and well-being of the corporation, and perform all other such duties as may be required of him by the councilmen, or by the charter and by-laws of the corporation; he shall be vested with full power to perform said duties, and to enforce obedience; and he shall be, and is hereby authorized, while holding his court, to fine and imprison, or either, for contempt, but imprisonment shall not extend beyond twenty-four hours, and the fine shall not exceed twenty dol-

lars for any one contempt. He shall receive for his services such compensation as may be fixed from time to time by the board of councilmen.

SEC. 21. *Be it further enacted*, That the board of councilmen are fully authorized to pass, as herein provided, all ordinances and by-laws necessary and proper to carry into effect the powers conferred upon the said corporation by the charter and the laws of the State, and to repeal or alter the same when required, and to preserve the peace and promote the welfare of the citizens; *Provided*; That no ordinance or by-law shall be valid and binding, and no act shall be held to be passed by said board of councilmen, unless three members of said board shall vote in favor thereof.

SEC. 22. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to pave, macadamize, gravel, or plank any street or streets, or side-walks, or parts of streets or side-walks, or alleys within the limits of said corporation, whenever they may deem it expedient, and adopt and provide the means therefor by assessment upon the owners of property to be especially benefitted, of such amounts as may be fair and reasonable, and to collect and enforce such assessment and levy as other taxes are collected.

SEC. 23. *Be it further enacted*, That the said corporation shall have full power and authority to purchase and provide for the payment of the same, all such real estate and personal property as may be deemed from time to time necessary and proper for the use, convenience and improvement of the corporation; and shall have full power and authority to construct and erect works for the purpose of furnishing water and lights for the said town of Decatur, and may sell and dispose of any property that may be deemed advisable to sell; *Provided*, That before the said corporation shall make any contract for the purchase of any real estate, or the erection of any water-works, or works for the furnishing of lights for said town, involving an expense to said corporation of more than twenty thousand dollars, the consent of the qualified electors of said town shall be first had and obtained at a regular election, which shall be held in the manner and with the notice prescribed in section 7 of this act; *And provided further*, That in no case whatever shall the faith of the corporation be

Control of streets.

May purchase, &c.

Consent of electors.

pledged for the payment of money, unless it be by a vote of four-fifths of the councilmen, and in no case shall the private property of the citizens be sold to pay the debts or obligations of the corporation.

Board of health. SEC. 24. *Be it further enacted*, That the mayor and councilmen shall have power to organize and regulate a board of health, and may require the aid and assistance of all persons in carrying into effect their ordinances or by-laws in reference to the preservation of the health of the corporation, and may enact from time to time such laws as shall be deemed necessary for the removal or abatement of nuisances; *Provided*, That nothing in this act shall be so construed as to deprive any person or persons charged with creating or maintaining a nuisance within the limits of said corporation of an appeal to the circuit court of Morgan county, and the cause, when taken by appeal to said court, shall be tried *denovo*.

Proviso.

May levy tax. SEC. 25. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to levy taxes on real estate, auction sales, and sales of merchandise, capital employed in business, and income exceeding one thousand dollars per annum; *Provided*, That no more than one per cent. *ad valorem*, shall be collected as a tax on any real estate in any one year; *And provided further*, That the tax levied upon the business of every vender of goods, wares or merchandise, shall not exceed the rate of one-fourth of one per cent. on the amount of sales of such venders of goods in any one year.

Proviso.

Licenses. SEC. 26. *Be it further enacted*, That the said mayor and councilmen shall have full power and authority to levy and collect a tax on any public balls, shows, exhibitions, theatrical exhibitions, billiard tables, nine-pin alleys, ten-pin alleys, bowling alleys, horse races, and any, and every other public game, and public place of amusement, and the amount of taxes provided for by this section, shall be fixed by the mayor and councilmen, and be collected by a license, or in such other mode as may be deemed best.

Taxation. SEC. 27. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to levy and collect a tax on itinerant and transient merchants, steamboats or other vessels that remain in the said corporation less than one year, and also to regulate, control

and tax, street railroads, which tax shall be laid and collected at such time, and in such manner, as the said corporate authorities may direct.

SEC. 28. *Be it further enacted*, That full power and authority is hereby given to the corporate authorities aforesaid, to appoint such officers, and establish such rules and regulations for the assessment and collection of dues, taxes, licenses, and revenues hereby provided for, and to use all lawful process and proceedings, which they may deem requisite to enforce the same, and also to impose such fine and penalty for the violation of any provision of this act, or any by-law or ordinance of said corporation made in pursuance of this act, as they may deem requisite and proper, to collect the same as other taxes, fines and penalties are collected; *Provided*, That no tax shall be levied on churches, parsonages, school-houses, or charitable institutions in said town.

Assessment
of taxes, &c.

SEC. 29. *Be it further enacted*, That all fines and forfeitures adjudged or assessed against any person or persons, by the mayor or any councilmen performing the duties of said town of Decatur, under or by virtue of any statute of this State, or of any proper ordinance, or by-law of said town, or of this act, may be enforced and collected against any such person or persons by execution, to be issued by the clerk of said corporation, and directed to, and to be executed by the sheriff of Morgan county, or the marshal or any police officer of said town, which execution, in all respects, shall, except in the direction thereof, as aforesaid, conform to, and be governed by, and be executed by the said officers to whom the same is directed, in the same manner as is required by the laws of the State, regulating executions issued by justices of the peace.

Enforcement
of taxes.

SEC. 30. *Be it further enacted*, That the marshal elected and the policemen appointed under the provisions of this act, are hereby constituted *ex-officio* constables of this State within the town of Decatur, and as such are authorized to preserve the peace and arrest for a violation of law in their presence, or the presence of any of them, any person or persons, and to make arrests to prevent a violation of law in presence of any person or persons, without warrant, as other peace officers of the State are authorized to do, and they are authorized to execute all process to them directed, and for

Duties and
powers of mar-
shal.

the purpose of performing their duties, they are empowered to call to their aid any and all citizens. They are hereby entitled to the exemptions, privileges, and protection given by law to constables and peace officers of this State.

Judicial powers.

SEC. 31. *Be it further enacted*, That the mayor or any of the councilmen acting as mayor for the time, shall issue process as a justice of the peace, against any person who is not in the custody of the authorities of said town, for offenses committed under this act, and for a breach or violation of all or any of the by-laws or ordinances of the said corporation, or of the laws of the State, directed to the marshal or to any police officer of said corporation, who shall bring the offender in pursuance of the said process, before the mayor or before any councilman acting as mayor, and the mayor or councilman acting as mayor, shall proceed to try the offender, and may examine such witnesses as may be offered, and shall, if desired, subpoena witnesses, and in default of appearance after service of subpoena, fine such witness as may have been subpoenaed and have failed to appear, or render a good excuse, not exceeding twenty dollars. The offender and the corporation shall each have an opportunity to produce witnesses, and the mayor or councilman trying such cause, after hearing the testimony, shall pronounce such judgment as to him shall appear just and legal; the mayor or councilman trying such offenders shall have power to fine or to fine and imprison, or to sentence the offender to labor on the streets, or other public works of the town; and in case the fine and costs are not paid, to require the party thus in default, to work out the fine and costs under the direction of the corporate authorities; *Provided*, That no fine shall exceed one hundred dollars, and no imprisonment exceed ninety days; but in case where the parties tried before the mayor or councilman are dissatisfied with any judgment rendered by the said mayor or any councilman, they may forthwith appeal to the circuit court of Morgan county, by giving bond with good security, to be approved by the mayor or councilman, to pay and satisfy the judgment with costs in case the judgment shall be affirmed by said circuit court, or to pay such judgment as the said circuit court may render in such appeal cases; but unless such bond is given within five

Appeals.

days from the date of the judgment of the mayor or councilman, then no appeal shall be allowed from such judgment. The proceedings on such appeal, when the bond is approved by the said mayor or councilman, shall be as prescribed by law in other cases of appeal, and in case of the death of the party appealing, the action may be revived by or against his representatives in all cases when causes of action may properly be revived. Proceedings.

SEC. 32. *Be it further enacted*, That the mayor and council shall have power to establish free schools, and to regulate them, and for this purpose may appropriate not exceeding five per cent. of the gross amount of the revenue of the corporation. Free schools.

SEC. 33. *Be it further enacted*, That the mayor and council of said town shall have full power and authority to fill any vacancy which may occur from any cause in the offices of mayor, councilmen or any other officer or employee of the corporation. Vacancies, how filled.

SEC. 34. *Be it further enacted*, That no prosecution, suit, claim, or existing right whatsoever pending, or to be brought or set up under existing laws, shall in any manner be affected, impaired or altered by the passage of this act. Existing suits not effected.

SEC. 35. *Be it further enacted*, That the said board of councilmen shall have full power and authority, at any time when they may deem the same advisable, to divide the said town of Decatur into five wards, containing as nearly as practicable the same number of inhabitants, and after such division, elections for councilmen held in said town, one councilman shall be elected by the qualified electors of each ward, but at the first election provided for by this act, and at each subsequent election for councilmen held prior to such division of the town into wards, the councilmen shall be elected by general ticket. Wards.

SEC. 36. *Be it further enacted*, That an act entitled an act to incorporate the town of Decatur, in the county of Morgan, approved December 14, 1840, and all acts supplementary thereto, and amendatory thereof, and all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed. Acts and laws repealed.

Approved, March 3, 1870.

No. 298.]

AN ACT

To enlarge the jurisdiction of the chancery courts in the matter of lands of decedents, sold under proceedings in the orphans' or probate courts.

Preamble.

WHEREAS, It has frequently happened that in the sales made of lands of deceased persons under proceedings had in the orphans' or probate courts of this State, mistakes, omissions and inaccuracies have intervened, either in the descriptions of the lands, or of the parties in interest, or for any mere irregularities in the mode of effecting such sales, nevertheless, the right land^a as understood between the parties was actually sold, and a reasonable price paid therefor by a *bona fide* purchaser, but by reason of some defect above referred to, the title of the purchaser is held to be invalid, whilst the decedents' estate has the benefit of the proceeds of such sale; to remedy which,

Mistakes or omissions not to invalidate sale.

Court of Chancery may grant relief.

Be it enacted by the General Assembly of Alabama, That in all cases where lands of a deceased person, heretofore sold, or that may hereafter be sold, under proceedings had in any of the orphans' or probate courts of this State, and a reasonable value thereof, at the time of such sale, has been or shall hereafter be paid by a *bona fide* purchaser to the representative of the decedent to whom such lands belonged, and the said funds have been appropriated for the benefit of such estate, said sales shall not be avoided or become ineffectual, by reason of any mistakes, omissions or inaccuracies that have or may hereafter intervene either in the matter of the description of the lands or of the parties interested therein, or in any mere irregularity in the mode of effecting such sales; and in all such cases the court of chancery of the proper district may grant relief to the purchaser of such lands, his or her heirs or assigns, by decreeing a divestiture of title out of all persons claiming said lands, as heirs, devisees or representatives of the deceased and their heirs and assigns, and may perpetually enjoin all persons claiming any interest in said lands as heirs, devisees or representatives of such decedents, or persons claiming by, from, or under such heir, devisee or representative of such decedent.

SEC. 2. *Be it further enacted,* That where lands of

a decedent have been or may hereafter be sold under proceedings in any probate or orphans' courts of this State, and any mistakes, omissions or inaccuracies, mentioned in the first section of this act have intervened, whether they occur in the petition made in the orphans' or probate court for the sale of the same, or in the description of the heirs or devisees, in any mere irregularity, in any proceedings had thereon by the court; yet if it shall be made to appear, that the right lands were in fact sold and purchased by a *bona fide* purchaser for a reasonable price, at the time of such sale, paid to the proper representative of the estate, the chancery court may, notwithstanding any mistake, omission or inaccuracy in the matter of description of the lands, or of the parties interested therein, or any mere irregularity in the mode of effecting such sales, proceed to perfect the title of the purchaser, his heirs, devisees or assigns and this whether a deed has been made to the purchaser or not, and the chancery court may grant injunctions and all other appropriate remedies to said purchaser, his heirs or assigns against all suits at law brought against them, or either of them, to recover possession of such lands, and may, on the final hearing, decree such injunction to be perpetual; *Provided*, That the provisions of this act shall apply only to those sales of land where the parties interested have received or shall receive regular notice, as provided by law, of such sales.

Mistaken in
description to
be remedied.

Proviso.

Approved, March 3, 1870.

No. 299.]

AN ACT

To alter and amend the charter of the town of Camden, in Wilcox county, Alabama.

Be it enacted by the General Assembly of Alabama, That section one of an act to alter and amend the charter of the town of Camden, in Wilcox county, approved February 8th, 1858, and which is in words and figures as follows, to-wit: "Section 1. That the boundaries of the town of Camden, shall be three-fourths of a mile north, the same distance west, the same distance south, and one-half mile east from the female institute, viz:

Sec. 1 recited.

Corporate
name.

Amendment.

Boundaries.

Franchises.

Conflicting
laws repealed.

The lines shall be so run as to intersect each other at right angles, and the nearest point of each line shall be the distance above designated from the institute, and the free white inhabitants dwelling within the said corporate limits, are hereby constituted a body politic and corporate, by the name of the "Town of Camden," and may by that name sue and be sued, implead and be impleaded, in any court of this State, may use a common seal, which may be altered at their pleasure, and may hold property, real or personal, for the use of said town, not exceeding twenty thousand dollars," be, and is hereby so amended, as to read as follows, to-wit: Section 1. That the boundaries of the town of Camden shall be as follows, to-wit: Beginning at the south-east corner of the north-west quarter of the north-east quarter of section twenty-nine, township twelve, range eight, west, one mile; thence north one mile, thence east one half mile, thence south with the line dividing the south half of the north-west quarter of section twenty, to the town branch; thence with the town branch to the east line of the north-west quarter of the north-east quarter of section twenty-nine, thence with that line to the place of beginning; and the inhabitants dwelling within the said corporate limits are hereby constituted a body politic and corporate, by the name of the "Town of Camden," and may by that name sue and be sued, implead and be impleaded in any court of this State, may use a common seal, which may be altered at their pleasure, and may hold property, real and personal, for the use of said town, not exceeding twenty thousand dollars.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, March 3, 1870.

No. 300.]

AN ACT

To authorize the administrators of Henry L. Wilkinson and James W. Kellom, deceased, to divide the notes and accounts due and belonging to the late firm of Kellom and Wilkinson.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall and may be lawful for John C. Towles, administrator of Henry L. Wilkinson, deceased, and Samuel Sepence, administrator of James W. Kellom, deceased, late partners and merchants in Chambers county, under the firm name and style of Kellom and Wilkinson, after a full settlement of all the partnership indebtedness, to divide the notes and accounts due and outstanding, belonging to said late firm, between their respective interests, to-wit: Henry L. Wilkinson and James W. Kellom.

Division of
assets author-
ized.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Conflicting
laws repealed.

Approved, March 3, 1870.

No. 301.]

AN ACT

To authorize Sarah E. Salterwhite, widow of William G. Salterwhite, late of Randolph county, deceased, to sell certain lands therein named.

Be it enacted by the General Assembly of Alabama, That Sarah E. Salterwhite, widow of William G. Salterwhite, late of Randolph county, deceased, be and she is hereby authorized and empowered to sell and dispose of, for cash, and convey without administration, the east half of the south-east quarter, section thirty-four, township eighteen and range eleven, and the north-west quarter, section thirty-five, township eighteen and range eleven, west; half south-east quarter section thirty-four, township eighteen and range eleven, and the south-west quarter of the north-east quarter, the south-east quarter of the north-west quarter, and the north-east quarter of the south-west quarter, section thirty-four, township eighteen, and range eleven; lands lying in said county of Randolph, and to make title to said lands as fully and to the same extent that an administrator of the said William G. Salterwhite might do.

May sell cer-
tain lands.

SEC. 2. *Be it further enacted,* That the proceeds of the sale of said lands shall be used by said Sarah E. Salterwhite for the benefit of herself and children; *Pro-*

Proceeds, how
disposed of.

vided, That such sale shall be approved by the judge of probate of said county.

Approved, March 3, 1870.

No. 302.]

AN ACT

To authorize Ellen E. Salterwhite, widow of Yancy M. Salterwhite, of Randolph county, to sell certain lands therein named.

Be it enacted by the General Assembly of Alabama,
 That Ellen E. Salterwhite, widow of Yancy M. Salterwhite, late of Randolph county, deceased, be, and she is hereby authorized and empowered to sell and dispose of for cash, and convey without administration, the south half ($\frac{1}{2}$) of the south-west quarter ($\frac{1}{4}$), section thirty-five (35), township eighteen (18), range (11), and the north half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$), section two (2), township nineteen (19), and range eleven (11), lands lying in said county of Randolph, and to make title to said lands as fully and to the same extent that an administrator of the said Yancy M. Salterwhite might do.

Authorized
to sell certain
lands.

Beneficiaries.

Approved by
probate judge.

SEC. 2. *Be it further enacted,* That the proceeds of the sale of said lands shall be used by said Ellen E. Salterwhite for the benefit of herself and children; *Provided,* Said sale shall be approved by the judge of probate of said county.

Approved, March 3, 1870.

No. 303.]

AN ACT

For the relief of William D. Dawkins.

Be it enacted by the General Assembly of Alabama,
 That William D. Dawkins, of the county of Lee, in said State, notwithstanding his minority, be and he is hereby authorized and empowered to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and, if necessary, give receipts and acquittances therefor, to purchase and convey real and personal

Disabilities
of non-age re-
moved.

estate, and to do and perform all things as fully, and to all intents and purposes, as effectually, as though he were twenty-one years of age.

Approved, March 3, 1870.

No. 304.]

AN ACT

To amend and repeal section 8 of an act, approved February 8, 1860, entitled, "An act to authorize the Savannah, Griffin and North Alabama Railroad Company, of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee river railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun."

Be it enacted by the General Assembly of Alabama, That section eight of an act, approved February 8, 1860, entitled, "An act to authorize the Savannah, Griffin and North Alabama railroad company, of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee river railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun," which reads as follows: "Section 8. Be it further enacted, That after the completion of said road or any part thereof, the president and directors may levy and collect tolls thereon, from persons, property, merchandise and other commodities transported thereon; *Provided*, That said railroad shall be commenced within two years, in good faith, and be completed within seven years from the passage of this act," be and the same is hereby repealed. Title of act.
Sec. 8 recited.
Repealed.

SEC. 2. *Be it further enacted*, That said act be, and the same is hereby amended, which amendment is hereby made part of said act in lieu of said section 8, and this amendment shall constitute section 8 of said act, and read as follows: Section 8. That after the completion of said road, or any part thereof, the president and directors of said company may levy and collect tolls from persons, property, merchandise and other commodities transported thereon; *Provided*, That said railroad shall Amendment.
May levy and collect tolls.
Proviso.

be commenced within four years, in good faith, and be completed within ten years from date of the approval of this amendment.

Approved, March 3, 1870.

No. 305.]

AN ACT

To authorize and empower George W. Sarter, of the county of Macon, to sell and convey certain lands for distribution among his children.

Be it enacted by the General Assembly of Alabama,
That George W. Sarter of the county of Macon, be, and he is hereby fully authorized and empowered to sell at public or private sale, as may best promote the interest of his children, all the lands conveyed by a certain deed made by W. J. Gentry and Mary E. Gentry, to his late wife, Mary L. Sarter, bearing date the 19th December, 1867, and recorded in book N, page 178 of the record of conveyances in Macon county, and upon such sale make, seal and deliver good and sufficient titles in law, to the purchaser, so as to perfect the title out of the children of the said George W. and Mary L. Sarter, and vest the same in the purchaser or purchasers thereof; said sale for the purpose of distributing the proceeds among the said several children of the said Mary L. Sarter, deceased, which the said George W. Sarter is hereby authorized and empowered to make.

Authorized
to sell certain
lands.

Beneficiaries.

Approved, March 3, 1870.

No. 306.]

AN ACT

To give the probate court of Wilcox county jurisdiction over the estate of R. H. Kilpatrick, deceased, late of Monroe county.

Be it enacted by the General Assembly of Alabama,
That the probate court of Wilcox county, be, and the same is hereby authorized and empowered to take jurisdiction of the estate of R. H. Kilpatrick, deceased, late

Jurisdiction
of estate re-
moved.

of Monroe county, and to grant letters of administration, and to make all such orders and decrees as may be necessary in the administration and settlement thereof.

Approved, March 3, 1870.

No. 307.]

AN ACT

To require the filing and record of claims due from and owing by the county of Shelby.

Be it enacted by the General Assembly of Alabama, That all claims of every kind, description and denomination due from and owing by the county of Shelby, Claims to be registered. prior to the first day of November, eighteen hundred and sixty-nine, now outstanding and unpaid, are hereby required to be filed and recorded in the office of the judge of probate of said county, on or before the first day of March, eighteen hundred and seventy, and the In case of failure. failure to file and record such claim or claims as aforesaid, on or before the first twelve months after the passage of this act, shall operate as a release and forfeiture of such claim or claims, and the same shall be forever barred, and not allowed or paid, as a claim against said county.

SEC. 2. *Be it further enacted,* That all claims against said county, filed and recorded as required by the preceding section of this act, shall be paid according to the original registration of such claims in the office of the treasurer of said county. Claims to be according to registration.

SEC. 3. *Be it further enacted,* That it shall be the duty of the judge of probate of said county, to endorse upon such claims, the date the same was filed in his office, Registered claims to be noted by prob. judge. and to procure and keep a separate book, in which he shall record all claims against said county, filed for record as required by the first section of this act, and he shall be entitled to demand and receive from the owner of Fees. such claim or claims, a fee of fifty cents for each claim, before he shall be required to file or record the same.

SEC. 4. *Be it further enacted,* That all laws Conflicting laws repealed. contravening the provisions of this act, be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 308.]

AN ACT

To incorporate the town of McKinley, in Marengo county.

Be it enacted by the General Assembly of Alabama,
Incorporation. That the town of McKinley, in Marengo county be, and the same is hereby incorporated, and the boundary of said corporation shall be one mile square, and shall be so laid off and defined as to make the public well the center thereof.
Corporate limits.

SEC. 2. *Be it further enacted,* That an election shall be held on the first Monday in March next, at the post office in said town, beginning at eleven o'clock A. M., and closing at three o'clock P. M., for the purpose of electing by ballot one intendant, five councilmen, inhabitants of said town, and annually thereafter, under such rules and regulations as the intendant and council may hereafter prescribe, who shall serve for the term of one year after they shall have been elected. The first election shall be managed by W. T. Abraham, W. B. Campbell, Mark Allen and R. C. Dansby, or any two of them, and all subsequent elections shall take place on the first Monday of March in each and every year, and shall be held by two of the councilmen appointed by the board for that purpose, and if the said board shall fail to hold an election according to the terms of this act, then it shall be lawful for the freeholders of said town, after giving ten days notice by advertisement, to hold said election, and the intendant and councilmen shall, within ten days after their election in each year, meet together, and before entering upon the discharge of their duties, shall take and subscribe the following oath before any justice of the peace for said county, viz: "I do solemnly swear (or affirm) that I will well and truly, and to the best of my knowledge and belief, execute and discharge the duties of intendant (or councilmen) of the town of McKinley, without fear, favor or affection, so help me God."

Managers of elections.

Future election.

In case of failure to hold elections.

Officers elected to meet in ten days.

Oath of office.

Duties of Intendant.

SEC. 3. *Be it further enacted,* That it shall be the duty of the intendant to preside and keep order at all meetings of the councilmen, and in his absence any other member of the board may be called to the chair, and the said intendant and councilmen shall be, and

are hereby constituted a body corporate by the name and style of "The Intendant and Council of the Town of McKinley", and by that name they and their successors shall be capable in law of suing and being sued, in all manner of suits, either in law or equity, also to have and keep a common seal, to break, alter, or amend at pleasure, and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of for the benefit of said town, real, personal and mixed property to the amount of five thousand dollars, (\$5,000).

Corporate name.

Franchisees.

SEC. 4. *Be it further enacted*, That any elector of said town shall be eligible to the office of intendant or councilman, and should the said intendant, councilman or councilmen remove from said town, or be absent for three months, without the consent of the board of councilmen, his or their office shall be vacated, and it shall be the duty of the remaining part of the board to supply the vacancy so accruing, or in the event of a vacancy by death, or otherwise, it shall be the duty of the board to fill said vacancy.

Eligibility for office.

Vacation of office.

SEC. 5. *Be it further enacted*, That all male citizens of the age of twenty-one years or upwards, who shall have resided in the limits of said town three months immediately preceding an election for intendant and councilmen, shall be qualified to vote at said election.

Qualification of electors.

SEC. 6. *Be it further enacted*, That the said intendant and council shall have power to adjourn their meetings from time to time; *Provided*, That the intendant or two of the councilmen may at any time, by written notice, call a meeting of the board; they shall keep a journal of all their proceedings, and record all their official acts and doings, and all deliberations of said intendant and council shall be public.

Adjournment.

Provide.

Records.

SEC. 7. *Be it further enacted*, That the intendant of said town shall be *ex-officio* a justice of the peace within the limits of the same.

Intendant justice of the peace.

SEC. 8. *Be it further enacted*, That the intendant and council shall have power to enact such ordinances and by-laws as they may deem necessary for the good order and government of McKinley, and at the same time to execute, alter or revoke the same, as shall be deemed expedient.

Council may make laws.

SEC. 9. *Be it further enacted*, That the said intendant

and council shall appoint a clerk, a treasurer, assessor and collector of taxes, and constable, and such other subordinate officers as they may deem expedient and necessary, and require such security for the discharge of their duties as they may deem adequate, and said intendant and council are hereby also empowered to impose appropriate fines and forfeitures and penalties for a breach of their ordinance and by-laws, recoverable, with cost, in the name of said corporation, for the use of the same before the intendant thereof, or two of the councilmen, before which suit may be commenced by warrant returnable forthwith.

May appoint officers.

May levy fines.

SEC. 10. *Be it further enacted*, That said intendant and council shall have power to levy and collect a tax on real estate, personal property and stock kept in trade, not to exceed twenty-five cents on every hundred dollars worth; *Provided*, Said tax be laid in proportion to the value of the property as given in by the owners, his, her, or their agent, or by the assessor appointed by the board for that purpose; and should any person think that his or her property is assessed too high, he or she shall have a right to complain to the intendant and council, whose duty it shall be to reduce the same to its proper value, and this decision shall be final.

Proviso.

Appeal from assessment.

SEC. 11. *Be it further enacted*, That the intendant and council of said town of McKinley shall have the streets of the same worked on and kept in good order, and shall require and regulate the working on the same in the same manner as is now provided by law for working public roads; *Provided*, That any person so liable to work the public roads, may furnish a substitute so to do, and all persons resident within the corporate limits of said town, shall be exempt from working on public roads without the limits of said corporation.

Provision for street working

Proviso.

SEC. 12. *Be it further enacted*, That all ordinances and by-laws, made and passed by the intendant and council of McKinley, shall be in strict conformity with the constitution and laws of the State.

Approved, March 3, 1870.

No. 309.]

AN ACT

To provide for the permanent location of the county site of Choctaw county.

Be it enacted by the General Assembly of Alabama, That at the election on the first Tuesday in June next, the legal voters of Choctaw county, resident within said county, with the proposed changed county boundaries, shall vote for or against removal of the court-house of said county. The ballots shall have written or printed on them "removal" or "no removal." If a majority of the ballots cast are in favor of "no removal," then the court-house shall remain at Butler, the present county site; but if a majority of the ballots should be cast in favor of "removal," then shall the court-house of said county be removed to the locality designated at the election to be held on the first Monday in July, 1870, for the purpose of permanently locating the county site. Election for county site.

SEC. 2. *Be it further enacted,* That F. M. Hill, F. Manley, J. Wesley Johnston, Simon Hall and C. C. McCall, of Choctaw county, be, and are hereby constituted a board of commissioners, whose duty it shall be to select two suitable places in said county, one north of Tickumbum creek, and the other south of said creek, within three miles of the bridge across said creek on the Butler and DeSotoville road, which bridge is the geographical center of said county; to be voted for by the legally qualified voters thereof, for the permanent location of the county site of said county, in the manner hereinafter provided. Commissioners of election.

SEC. 3. *Be it further enacted,* That it shall be the duty of said commissioners to order an election in said county on the first Monday in July, 1870, by giving twenty days' notice thereof, by publication in the official paper for the county, and by posting, not less than three notices in each of the several precincts of the county; and shall appoint managers and returning officers, who shall be sworn as now provided by law; and said returning officers shall, within five days after the election provided for in this act, make their returns to the probate judge of Choctaw county. Notice of election.

SEC. 4. *Be it further enacted,* That at such election

Tickets, how
prepared.

the qualified voters of said county, may vote for either of the places selected by said commissioners as hereinbefore provided; and those voting for the place south of said creek shall have printed or written on their ballots the word "south," and those voting for the place north of said creek shall have printed or written on their ballots the word "north," and the place receiving a majority of the votes cast at such election shall be and remain the permanent county seat of said county.

Court-house.

SEC. 5. *Be it further enacted*, That said commissioners may, and they are hereby authorized and required to contract for the erection of a suitable court-house and other public buildings for the use of said county.

Temporary
provisions.

SEC. 6. *Be it further enacted*, That until the court house and other public buildings herein provided for, shall be erected, and the court of county commissioners of Choctaw county shall have approved them, as suitable buildings, the offices shall remain in, and the several courts be held at Butler, the present county seat.

Name and
county seal.

SEC. 7. *Be it further enacted*, That the name of the place selected for the county seat shall be called Delano.

Vacancies.

SEC. 8. *Be it further enacted*, That should any vacancy occur in said board of commissioners, the judge of probate of Choctaw county may fill the vacancy.

Act null in
certain courts.

SEC. 9. *Be it further enacted*, That in case a majority of the qualified voters, voting upon the question of the change of the boundaries of Choctaw, Sumter and Washington counties, shall vote against the change proposed, then the provisions of this act shall be null and void, otherwise to remain in full force and effect.

Approved, March 3, 1870.

No. 310.]

AN ACT

To create a new Chancery District out of the counties of Dale and Henry.

Be it enacted by the General Assembly of Alabama, That the counties of Dale and Henry are hereby declared to constitute the 10th chancery district of the eastern chancery division of Alabama.

Terms of
court.

SEC. 2. *Be it further enacted*, That the court for said 10th chancery district shall be held twice in each year,

at the court house of the said county of Henry, by the
chancellors of the eastern division, on Thursday before
the second Monday in May and November, or such other
time as he may designate, and continue until the busi-
ness is disposed of.

SEC. 3. *Be it further enacted*, That on demand of the
register of the said new chancery district, the registers
for the chancery courts at Clayton and Troy shall
deliver up to him upon his executing proper re-
ceipts therefor, all papers and documents pertaining to
causes originating in said counties.

Approved, March 3, 1870.

No. 311.]

AN ACT

To amend an act entitled, "An act to amend Sec. 3, 8
and 13 of an act in relation to Chancery Courts in
Alabama."

Be it enacted by the General Assembly of Alabama,
That an act entitled, "An act to amend Section 3, 8 and
13 of an act in relation to chancery courts in Alabama,"
which reads as follows: Sec. 3. The chancery districts
of the middle chancery division are composed of the
following counties: The first, Coosa and Elmore; the
second of Autauga; the third of Dallas; the fourth of
Wilcox and Monroe; the fifth of Perry and Bibb; the
sixth of Shelby, Jefferson and St. Clair. Sec. 2. *Be it*
further enacted, That Sec. 8 of the before mentioned
act be so amended as to read as follows: Sec. 8. The
courts for the several chancery districts of the middle
chancery division must be held at the court houses of
the following counties: For the first district, Elmore;
for the second district, Autauga; for the third district,
Dallas; for the fourth district, Wilcox; for the fifth
district, Perry; for the sixth district, Shelby. Sec. 3.
Be it further enacted, That Sec. 13 of the before mention-
ed act be so amended as to read as follows: Sec. 13. The
terms of the chancery courts of the middle di-
vision are to be held at follows: For the first district,
two terms annually, commencing on the first Monday
in April and the first Monday in October, and may
continue one week each; for the second district, two

10th division.

Transfer of documents.

Act recited.

Sec. 8 recited.

Sec. 8 recited.

Sec. 13 recited

terms annually, commencing on the second Monday in April and the second Monday in October, and may continue four days each ; for the third district, two terms annually, commencing on the third Monday in April and the third Monday in October, and may continue ten days each ; for the fourth district, two terms annually, commencing on the first Monday in May and the first Monday in November, and may continue one week each ; for the fifth district, two terms annually, commencing on the second Monday in May and the first Monday in November, and may continue ten days each ; for the sixth district, two terms annually, commencing on the fourth Monday in May and the second Monday after the fourth Monday in November, and may continue ten days each. Sec. 14. Be it further enacted, That original sections 3, 8 and 13 of the before mentioned act be, and the same is hereby repealed. Sec. 5. Be it further enacted, That this act shall take effect from and after its passage, be amended so as to read as follows, viz :

Sections 3, 8
and 13 repealed

Be it enacted by the General Assembly of Alabama,
Amendment. That the chancery districts of the middle chancery division are composed of the following counties : first of Coosa, the second of Elmore, the third of Autauga, the fourth of Baker, the fifth of Dallas, the sixth of Wilcox, the seventh of Perry, the eighth of Bibb, the ninth of Shelby, the tenth of Jefferson, the eleventh of St. Clair, the twelfth of Monroe.

Districts in
middle division

SEC. 2. *Be it further enacted,* That the courts for the several chancery districts of the middle chancery division must be held at the court houses of the following counties.

Courts, where
held.

SEC. 3. *Be it further enacted,* That the terms of the chancery courts of the middle chancery division are to be held as follows : For the first district, two terms annually, on the first Monday in March and September, to continue one week each ; for the second district, Elmore, on the second Monday in March and September, and may continue one week ; for the third district, Autauga, on the third Monday in March and September, and may continue one week ; for the fourth district, Baker, two terms on the fourth Monday in March and September, and may continue four days ; for the fifth district, Dallas, on the first Monday after the fourth Monday in March and September, and may continue

Terms of
court.

Coosa.

Elmore.

Autauga.

Baker.

Dallas.

ten days each; for the sixth district, Wilcox, on the third Monday after the fourth Monday in March and September, and may continue one week; for the seventh district, Perry, on the fourth Monday after the fourth Monday in March and September, and may continue one week each; for the eighth district, Bibb, on the fifth Monday after the fourth Monday in March and September, and may continue one week each; for the ninth district, Shelby, on the sixth Monday after the fourth Monday in March and September, and may continue one week each; for the tenth district, Jefferson, on the seventh Monday after the fourth Monday in March and September, and may continue one week each; for the eleventh district, St. Clair, on the eighth Monday after the fourth Monday in March and September, and may continue one week; for the twelfth district, consisting of the county of Monroe, on Wednesday after the ninth Monday after the fourth Monday in March and September, and may continue four days; said court for said twelfth district shall be held in the town of Claiborne, in said Monroe county.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 312.]

AN ACT

To amend Sec. 6 of an act entitled, "An act to incorporate the Baptist Female Institute, at Moulton," approved, February 7th, 1852.

Be it enacted by the General Assembly of Alabama, That Sec. 6 of an act entitled "An act to incorporate the Baptist Female Institute, at Moulton," approved February 7th, 1852, which is in the following words, viz: Section 6. *And be it further enacted*, That it shall not be lawful for any person, or persons, to retail or vend ardent or intoxicating liquors within three miles of said institute: and, also, that no nine or ten pin-alley, or alley of any number of pins, shall be allowed, with same penalty annexed; and any person or persons so offending, shall forfeit and pay the sum of one thousand dollars.

Amendment.

and dollars, recoverable before any court having competent jurisdiction thereof, one-half to the prosecutor, and the other half to be paid into the county treasury, be, and the same is hereby amended by adding to said section 6 the following proviso; *Provided*, That it shall be lawful for licensed druggists to sell intoxicating liquors on the written prescription of a practising physician for medicinal purposes.

Approved, March 3, 1870.

No. 313.]

AN ACT

To define the duty of Chancellors.

Preamble.

WHEREAS, The eighth section of article 6 of the constitution of this State provides that a chancery court shall be held in each county at a place therein to be fixed by law, and the chancellors may hold courts for each other when they deem it expedient; and

2d preamble.

WHEREAS, By the fifth section of article 6 of said constitution, the jurisdiction of the circuit courts in chancery cases is limited to five thousand dollars, in order to remove all doubts as to the holding a chancery court in each county,

Courts in each county.

Be it enacted by the General Assembly of Alabama, That the chancellors in this State are hereby required, and it is hereby made their duty to organize forthwith, and hold a court in each county of their respective divisions at the times and places now required by law.

Approved, March 3, 1870.

No. 314.]

AN ACT

To legalize the acts of the Commissioners Court of Franklin county, in purchasing certain lands for the purpose of establishing a poor house in said county.

Acts legalized

Be it enacted by the General Assembly of Alabama, That the acts of the commissioners court of Franklin county, in purchasing certain lands from N. T. Underwood for the purpose of establishing a poor house for

said county, are hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Approved, March 3, 1870.

No. 315.]

AN ACT

To make Margaret Emma Alvis and Rachel Marks free dealers.

Be it enacted by the General Assembly of Alabama, That Margaret Emma Alvis, wife of Thomas S. Alvis, of Bibb county, and Rachel Marks, wife of Jacob Marks, of Montgomery county, be, and they are hereby declared free dealers, with all the rights and liabilities as if they were *femme soles*. Free dealers.

Approved, March 3, 1870.

No. 316.]

AN ACT

For the relief of Francis M. Barnett, and A. Jerry Bowen, of Montgomery county, and Marshall Phillips, of Coffee county.

Be it enacted by the General Assembly of Alabama, That Francis M. Barnett and A. Jerry Bowen, of Montgomery county, and Marshall Phillips, of Coffee county, notwithstanding their minority, be, and are hereby authorized to receive from their guardians, or others, in whose hands or possession the same may be, any property, real or personal estate, or money, and full discharge to give for the same; and from and after the approval of this act. to act and contract any and all business as though of full and lawful age; *Provided*, That the said Francis M. Barnett, and the said A. Jerry Bowen and Marshall Phillips, shall not be permitted to plead minority to any contract or obligation on their part, made and entered into by them after the approval of this act. Disabilities of non-age removed. Proviso.

Approved, March 3, 1870.

No. 317.]

AN ACT

For the relief of Daniel D. Tichnor, of the county of Tallapoosa.

Belief.

Be it enacted by the General Assembly of Alabama, That Daniel D. Tichnor, of the county of Tallapoosa, be, and he is hereby relieved of all the pains and penalties imposed by Section 3,599 of the Revised Code, in the event that he marries again.

Approved, March 3, 1870.

No. 318.]

AN ACT

For the relief of William Johnston, Jr., of Tallapoosa county.

Disabilities
of minority re-
moved.

Be it enacted by the General Assembly of Alabama, That Wm. Johnston, Jr., of the county of Tallapoosa, a minor, be, and he is hereby authorized to contract and be contracted with, to sue and be sued, to receive and take possession of his property and estate, and if necessary, give receipts and acquittances therefor; to buy, sell, and otherwise receive and dispose of real, personal or other property, and to do all other and further things as lawfully and fully, and to all intents and purposes as effectively as though he were twenty-one years of age.

Approved, March 3, 1870.

No. 319.]

AN ACT

For the relief of Joseph Johnston, of Tallapoosa county.

Disabilities of
minority re-
moved.

Be it enacted by the General Assembly of Alabama That Joseph Johnston, of the county of Tallapoosa, a minor, be, and he is hereby authorized to contract and be contracted with; to sue and be sued; to receive and take possession of his property, both real and personal- and to give receipts and acquittances therefor, if necessary; to purchase and convey real and personal property;

and to do any and all other things as fully and lawfully, as if he were of the age of twenty-one years.

Approved, March 3, 1870.

No. 320.]

AN ACT

To amend section two (2) of "An act to incorporate the Dexter Fire Engine Company, number one (No. 1), of Montgomery, Ala.," approved August 11th, 1868.

Be it enacted by the General Assembly of Alabama, Sec. 2 recited.
That the second section of "An act to incorporate the Dexter Fire Engine Company, number one (No. 1), Montgomery, Ala.," approved August 11th, 1868, which reads as follows: "Section 2. Be it further enacted, That the members of said company and body corporate be, and they are hereby exempt from jury and militia duty," Amendment.
be amended by adding the words, and after seven years service, a member may become an honorary member under such rules and regulations as said company provide, and said honorary members shall be entitled to all the rights, privileges and immunities of active members.

Approved, March 3, 1870.

No. 321.]

AN ACT

To authorize Mrs. Mary Popwell, of Baker county, to sell the real estate belonging to the estate of her late husband, James M. Popwell, deceased.

Be it enacted by the General Assembly of Alabama,
That Mrs. Mary Popwell, of Baker county, be, and is May sell lands.
hereby authorized to sell all the real estate belonging to the estate of her late husband, James M. Popwell, deceased, and to make a deed to the same, under the power hereby granted, any law to the contrary notwithstanding; *Provide*d, Said sale shall be approved by the judge of probate of said county.

Approved, March 3, 1870

No. 322.]

AN ACT

For the relief of the Sheriff of Clarke county.

Relief.

Be it enacted by the General Assembly of Alabama,
That the sheriff of Clarke county be entitled to the sum of two hundred and fifty dollars, to be paid out of any moneys now in the county treasury not otherwise appropriated, for taking care of and feeding prisoners since the burning of the jail of said county.

Approved, March 3, 1870.

No. 323.]

AN ACT

Supplemental to an act fixing the time of holding courts in the fifth Judicial Circuit, approved fifteenth December, eighteen hundred and sixty-nine.

Terms of
court in Mar-
shall county.

Be it enacted by the General Assembly of Alabama,
That the circuit court of the county of Marshall shall be held on the second Monday in March and September of each year, and continue in session one week, each term.

Approved, March 3, 1870.

No. 324.]

AN ACT

To authorize the County Treasurer of Jackson county to pay jury certificates for the years eighteen hundred and sixty-five, eighteen hundred and sixty-six, and eighteen hundred and sixty-seven.

Treasurer
may pay jury
certificates.

Be it enacted by the General Assembly of Alabama,
That the county treasurer of Jackson county, be, and he is hereby authorized, to pay all juror certificates now in the hands of individuals for services as jurors for said county for the years eighteen hundred and sixty-five, eighteen hundred and sixty-six, and eighteen hundred and sixty-seven.

Approved, March 3, 1870.

No. 325.]

AN ACT

To remove the administration of the estate of Thomas M. Johnston, deceased, from the probate court of Hale county into the probate court of Dallas county.

Be it enacted by the General Assembly of Alabama,
That the administration of the estate of Thomas M. Johnston, late of Hale county, in the State of Alabama, under the last will and testament of said deceased be, and the same is hereby removed from the probate court of Hale county into the probate court of Dallas county in said State, which said probate court of Dallas county shall have and exercise full and complete jurisdiction over the estate of said Thomas M. Johnston, under his will, as though he had lived and died a resident citizen of said county of Dallas. Administration removed.
From Hale.
To Dallas.

Approved, March 3, 1870.

No. 326.]

AN ACT

To remove the administration of the estate of Robert H. McFaddin, deceased, from the probate court of Greene county, Alabama, into the probate court of Dallas county.

Be it enacted by the General Assembly of Alabama,
That the administration of the estate of Robert H. McFaddin, deceased, late of Greene county, in the State of Alabama, be, and the same is hereby removed from the probate court of said Greene county, into the probate court of the county of Dallas, in said State of Alabama, which said probate court of the county of Dallas shall have and exercise full and complete jurisdiction of the administration of the estate of said Robert H. McFaddin, as though he had lived in and died a resident citizen of said county of Dallas; *Provided,* That this removal shall not affect the liability of the securities on the administrator's bonds. Administration removed.
From Greene.
To Dallas.

Approved, March 3, 1870.

No. 327.]

AN ACT

To prevent the sale of spirituous liquors within two miles of Cahaba Baptist Church, in Jefferson county.

Sale of liquors
prohibited.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act no person or persons shall sell, dispose of, give away spirituous liquors, unless prescribed by a regular licensed physician, within two miles of Cahaba Baptist Church in Jefferson county.

Penalty for
violation.

SEC. 2. *Be it further enacted,* That any person or persons, offending against the provisions of this act, or in any wise giving away, selling or disposing of spirituous liquors of any kind, except for medicinal purposes, with the intent to evade the provisions of this act, shall be guilty of a misdemeanor, and shall be liable to indictment, and, on conviction, shall be fined not less than two hundred nor more than five hundred dollars.

Approved, March 3, 1870.

No. 328.]

AN ACT

To establish a new charter for the city of Huntsville.

Name and
style.

Be it enacted by the General Assembly of Alabama, That the inhabitants of the city of Huntsville, in the county of Madison, shall be and continue a body politic and corporate by the name of "The Mayor and Aldermen of the City of Huntsville," and by their corporate name may sue and be sued, grant, receive, and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure.

Corporate
limits.

SEC. 2. *Be it further enacted,* That the corporate limits of the city of Huntsville shall embrace an area of land two miles square, whose centre shall be the centre of the public square in said city, and whose four boundary lines, each of which shall be two miles in length, shall run parallel with a corresponding boundary line of the present public square of said city, and be equidistant east, west, north and south from the public square.

SEC. 3. *Be it further enacted.* That the said city of Huntsville shall be divided in four wards, as follows : Ward No. 1 shall embrace all that portion of the corporate limits which lies west of Jefferson street, and north of that part of Randolph street which is west of the public square and north of the spring branch. Ward No. 2 shall embrace all that portion of the corporate limits which lies east of Jefferson street, north of the public square, and north of that part of Randolph street which is east of the public square. Ward No. 3 shall embrace all that portion of the corporate limits which lies east of the public square, east of Franklin street, and south of that part of Randolph street which is east of the public square. Ward No. 4 shall embrace all that portion of the corporate limits which lies west of the public square, west of Franklin street, south of that part of Randolph street which is west of the public square, and south of the spring branch, including herein the square or block lying between Fountain Row and Randolph street. But the board of mayor and aldermen of said city may alter and change the boundaries of said wards as they deem expedient. 4 wards; limits

SEC. 4. *Be it further enacted,* That the government of said corporation shall consist of, and its corporate power shall be exercised by a mayor and eight aldermen, who shall be elected on the Tuesday after the first Monday in April, 1870, and annually thereafter, on the Tuesday after the first Monday in April of each year, by ballot, by the male inhabitants of said city, of or over the age of twenty-one years, who have resided therein for three months next preceding such election. Such election shall be held by and under the direction of the sheriff of Madison county, at the court-house in Huntsville, and such additional voting places as the board of mayor and aldermen may, if they deem it expedient, by ordinance, prescribe. Said sheriff shall give ten days' notice of said election by publication in a newspaper published in said city, and shall appoint three inspectors and one returning officer for each voting place, and he shall conduct said election in the same manner as are elections for the General Assembly. The inspectors at each voting place shall certify to the result at each poll, and each returning officer shall make the return of his poll to the sheriff, who shall declare the election, giving the casting vote, if any two or more shall have an equal number of votes, Government.
Time of election.
Election, how held.
Notice of election.
Returns.

Oath. and shall give to the person elected a certificate of election. The persons so elected, shall, before entering upon the discharge of the duties of their respective office, take before the judge of the probate court, or the clerk of the circuit court, for Madison county, an oath to discharge without favor or partiality, the duties of mayor or alderman, (as the case may be), of the city of Huntsville, of which oath a record shall be kept in the office of said probate or circuit court. The said mayor or aldermen

Term of office. shall continue in office for twelve months from the date of their election, and until their successors are qualified. If from any cause said election shall not be held in any

In case of no election. year on said Tuesday after the first Monday in April, the said sheriff shall, as soon as practicable, appoint another day for the holding such election, not more than thirty days after such regular day, of which he shall give the like notice, and on the day so appointed, shall open and hold such election in the manner above provided; and if from the neglect or failure of the sheriff, or from any other cause, an election for mayor and aldermen shall not be held on the regular day therefor, nor within thirty days thereafter, as above provided, then the mayor of the city shall appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice, and on the day so appointed, shall hold such election, in the same manner as is above provided; and for the purpose of holding and completing such election, the mayor shall be invested with all the powers and subject to all the duties of the sheriff as above set forth.

Qualification for office. SEC. 5. *Be it further enacted,* That no person shall hold the office of mayor or aldermen of said city, who has not resided therein for one year next preceeding the election, and the aldermen must be residents, at the time of the election, of the wards for which they are elected.

Ballots. SEC. 6. *Be it further enacted,* That the ballots cast at any election held under this act, shall, after being counted, be carefully sealed up by the inspectors, and deposited by them with the city clerk, who shall preserve the same for twenty days after the result of said election is declared, and then, if there be no contest, the said city clerk shall cause the same to be burned in his presence and that of the mayor; but, in the event of a con-

test, they shall be delivered to the judge trying the same.

SEC. 7. *Be it further enacted*, That any election held under this act may be contested in the same manner as is, or may be, provided by the laws of the State, for con-
Contested elections.
 testing the election of a probate judge ; and all the provisions of such laws in relation to contesting the election of a probate judge, shall, so far as the same are, or may be applicable, apply to contests of any elections held under this act.

SEC. 8. *Be it further enacted*, That if the mayor or any aldermen, during his term of office, and after qualifying, shall die, resign, remove from the corporation, or from the ward in which he was elected, refuse to act, or be permanently disabled from acting, the remaining members of the board shall, by ballot, elect in his stead, another mayor or aldermen, who shall have the qualifications prescribed in the 5th section of this act, and shall continue in office during the remainder of the time, and until his successor is elected and qualified ; and if any person elected mayor or aldermen by the qualified voters of the city, at any election held under this act, shall refuse to qualify, the said sheriff shall, after giving ten days' notice by advertisement in one of the newspapers published in Huntsville, hold an election to supply the vacancy ; which election shall be conducted in the same manner as the regular annual election for mayor and aldermen.

SEC. 9. *Be it further enacted*, That the aldermen shall be judges of the election qualifications of the mayor, and remaining aldermen shall be the judges of the qualifications of an alderman.
Judges of qualification.

SEC. 10. *Be it further enacted*, That the board of mayor and aldermen may, if they deem it expedient, provide for a registration of the persons entitled to vote at the municipal election held under this act ; which registration shall be made at such times, and under such rules and regulations, as the board may prescribe ; *Provided*, That no resident of the city shall be denied the privilege of voting at any election of municipal officers, who could, under the laws of the State, vote for members of the General Assembly. The provisions of sections 12, 13, and 14 of "An act to provide for the Registration of Electors," approved October 5th, 1868, shall not apply to municipal elections held under this act.
Registration.

Quorum.

SEC. 11. *Be it further enacted*, That a majority of the mayor and aldermen shall constitute a quorum for the transaction of business. The board of mayor and aldermen shall fix their own sessions, and special meetings of the board may be called by the mayor, at his own option, or by any two of the aldermen. In case of the sickness or temporary absence of the mayor, the aldermen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers, and perform all the duties of the mayor; but the mayor shall not vacate his office by reason of any temporary absence from the city or State.

Judicial powers.

SEC. 12. *Be it further enacted*, That the mayor shall possess, within the corporate limits, all the powers and jurisdiction of a justice of the peace, in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases, shall be entitled to the fees which are or may be allowed by law to justices of the peace; and his signature or act as mayor in such cases, shall be of equal force as if done by him expressly as a justice; and from any judgment or decision of the mayor, sitting as a justice, the party desiring it may take an appeal or *certiorari* to the circuit court for the county of Madison, under such rules and regulations as are or may be prescribed by the laws of the State for a *certiorari* from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction, to hear, adjudge and determine all suits, prosecutions or other proceedings for violations of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion "*scire facias*" or other suit, or any penal bonds payable to the mayor, or mayor and aldermen, taken under this act, or the ordinances of said corporation, including proceedings and suits against the officers of the corporation and the sureties on their official bonds for non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office; and upon the judgment of the mayor in any case in any branch of his jurisdiction as mayor or as justice, executions or other appropriate process may be issued by the clerk of the corporation, directed to and to be executed by the marshal, which have the force and effect of an execution or appropriate process, as the case may be, from any of

the circuit courts of the State, and shall be executed by the marshal in the same manner as executions or other process (as the case may be), for such circuit courts ; and from any judgment or decision of the mayor, as ^{Appeals.} such, the party desiring it may take an appeal to the circuit court for Madison county, on giving bond with two sufficient sureties, to be approved by the mayor in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit or city court may render in the premises ; but unless such appeal bond be given within five days from the date of said judgment or decision, then no appeal shall be allowed from the same ; the proceedings on such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace.

SEC. 13. *Be it further enacted*, That it shall be the ^{Duty of mayor} duty of the mayor to see that the laws of the corporation be duly executed ; he shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him ; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation ; he shall recommend from time to time in writing such alterations in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper ; he may, in cases of disturbance of the peace, or invasion, or insurrection, or whenever in his opinion the peace and security of the city require it, call on the sheriff of the county for aid in preserving the peace by the use of all means which the laws confer on the sheriff as peace officer ; and the mayor may also call on the volunteer and militia companies in the city for its defence ; he shall preside at all meetings of the board, when present ; he shall perform all such other duties as the board may prescribe, and has authority, while holding his court, to punish any contempt of his court by fine and imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

SEC. 14. *Be it further enacted*, That the mayor and aldermen shall have power to appoint a city marshal, ^{Marshal, clerk and treasurer.} clerk, treasurer, collector of taxes, assessor, and such

other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the government of the city; to prescribe their duties, liabilities and powers; to require of them bonds, with such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of said officers or agents, a majority of the board concurring in such removal, and to fix and regulate, from time to time, the compensation or salaries of all the officers of the corporation, including that of the mayor; but no increase in the salary or compensation of the mayor shall take effect during the term of office in which said increase is made. The officers of the corporation shall continue in office (unless removed) until the next annual election of mayor and aldermen, and until their successors are qualified; but the board may any time repeal, alter or amend the ordinances creating or employing said officers or agents, or regulate their duties or compensation, and may fill all vacancies that may occur in said office. The clerk, assessor, collector, treasurer and marshal, and all such other officers as the board may require to give bond, shall, before entering upon the discharge of their duties, give bond with sufficient security, to be approved by the board, payable to the mayor and aldermen, in such penalty as may be prescribed by the board, with condition to discharge faithfully all the duties of such office, on which bond, suit and recovery may be had before the mayor, or any other court, having jurisdiction in the name of the mayor and aldermen for the use of the corporation, or the person injured; [and shall remain] and said bond shall remain for the breaches of its conditions. And the mayor and aldermen may provide summary remedies, by motion or otherwise, before the mayor against the officers of the corporation and their sureties for any official default or neglect.

Term of office.

Vacancies,
how filled.

Records.

SEC. 15. *Be it further enacted*, That the city shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board, and signed by the mayor, or presiding chairman, and the same shall have the force and effect of a record, and a copy therefrom, certified by the clerk,

shall be "*prima facie*" evidence in any court of record or elsewhere, and said record shall at all times be open for inspection. The clerk shall also keep a docket of all causes instituted before the mayor, and noting and endorsing the orders, judgments, &c., therein, and the dates of the issuance and delivery of original and final process, to whom delivered, and the return thereon, or the substance thereof; and in another book, he shall keep a minute or record of the orders, judgments, &c., in all causes before the mayor as such; he shall keep a separate docket, and a record or minute book of the cases instituted before the mayor, as a justice of the peace, which shall be kept in the same manner as above provided in reference to the causes before the mayor as such; and the said clerk shall make full indexes, direct and reverse, for all of his said books; and he shall keep and preserve a regular file, as well the papers in all suits or causes before the mayor as such, or as a justice, as all other papers belonging to the board; and the said dockets, records, indexes and files shall be open for public inspection, under such rules and regulations as the board may prescribe; and the said clerk shall perform all such other duties as the board direct.

Dockets.

SEC. 16. *Be it further enacted*, That the city marshal shall have and possess within the corporate limits all the powers and rights of constables, under the laws of the State; and shall be entitled to the same fees for like services. He shall possess within said limits, in preserving peace and making arrests, all the powers of a sheriff as a peace officer. He shall execute the orders, notices and processes of the board to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities and remedies which they may provide. The mayor and aldermen may allow to the marshal such salary or compensation, in addition to the specified fees to which he may be entitled, as they deem proper; and in all cases when the marshal is a party to any suit or proceeding before the mayor, he shall appoint some person to act as special marshal.

Duties of marshal.

Fees.

SEC. 17. *Be it further enacted*, That the said mayor and aldermen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within

Powers of council.

the city, and provide places for the reception of the sick ; to erect a hospital, house of correction, calaboose or jail, city hall, and any other buildings or work, necessary or expedient for the use of the city, or join with the county of Madison in any such erections, by contracts made with the proper authorities of the county; or to acquire by lease, purchase or other contract, or in any other way, the use of houses or buildings for any purposes necessary or convenient for said city ; to erect lamps, to establish night watches and patrols ; to license and regulate retailing of liquors within the corporate limits, and to provide for annulling and revoking such licences on good cause being shown ; to close up retail establishments for such time as they deem necessary ; to prevent the retailing of spirituous liquors within the corporate limits, whenever they deem it expedient ; to erect and repair bridges ; to construct drains and sewers, and keep them in repair ; to establish fire wards and fire companies, and provide for the prevention and extinguishment of fire ; to regulate partition fences, and to determine by whom they shall be kept in repair ; to prohibit and disperse all unlawful and disorderly assemblies ; to license and regulate hawkers and peddlers, and for good cause to annul their license ; to license, restrain and regulate theatrical and other exhibitions, or shows for money, of whatever character, kind or name ; and also lectures and concerts for pay, except lectures and concerts for charitable purposes ; to license and regulate hackney coaches, hacks, carriages, wagons, carts and drays, running for hire within the corporate limits ; to license and regulate pawn brokers, auctioneers, commission merchants, dry goods and grocery merchants, and the keepers of hotels, eating houses, livery and sale stables, barber shops, beer shops, billiard rooms, ten pin alleys, and stores or shops for the sale of any goods, provisions, drugs, or any other commodity or article whatever ; to fix the price of all taxes on all licenses granted by the corporation, and to enforce the collection of the same ; to restrain and prohibit gambling and gaming houses, and houses of ill fame ; to establish and regulate markets, to rent out stalls in the same, and prohibit the sale of meat, poultry, fish or game, except at the public market or markets ; to preserve, manage and regulate all burying grounds, or cemeteries belonging to the corporation, and

to remove them, and to establish, regulate and manage new ones; to sink and keep in repair public wells, to erect and repair hydrants and pumps; to prevent and punish violations of the sabbath; to prevent stock of any kind from running at large in the public streets or alleys of the city; to require the fencing or enclosing of any vacant lots in said city; to cause to be taken, from time to time, a census of said city; to keep in repair the streets, alleys and avenues of said city; to discontinue and close them, when expedient; to widen or change their direction, and to open new ones; to regulate weights and measures; to erect public scale houses, and to appoint weighers and measurers; to purchase all such real estate and personal property as may be deemed necessary and proper for the use and improvement of the city, and to provide for payment for the same; to construct, erect and manage water works and gas works for the purpose of furnishing water or lights for said city; to provide for measuring gas, and to appoint an inspector of the gas meters; to pave, gravel, macadamise, or otherwise improve any street or part thereof; to provide the means therefor (if deemed expedient and proper) by assessments on the owners of property to be benefitted thereby, or by assessment on the property to be thus benefitted, and to collect and enforce such assessments as other taxes; to prevent and prohibit the erection of wooden buildings within such limits as they may deem expedient; to provide for the removal of such buildings, already erected within such limits at the expense of the city, and on making just compensation to the owner; to establish a jail or guard house for the imprisonment of offenders against the laws of the corporation; to enact ordinances, giving to the lessor or renter of any dwelling house, store house, shop, or any other building, or real estate whatever, within said city, a lien upon all or any part of the property, of whatever kind or character, contained thereon, and belonging to the lessee or person renting, to secure and pay the rent; and to prevent the removal of the same, until the rent is paid; and to give to the mayor jurisdiction to enforce said lien by attachment or other summary proceeding, reserving the right of appeal from his judgment to the circuit court, as in the case of other judgments rendered by him; to establish and regulate a free public school,

or schools for the tuition of children residing in the corporation, and to employ teachers for the same at suitable salaries, subject to the school laws of the State; to prohibit riots, routs, affrays, assaults and batteries, and all other breaches of the peace and misdemeanors; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets or other work of the city, of any breach of the laws, by-laws, ordinances of the corporation; but no fine shall exceed fifty dollars, and no imprisonment or work on the streets, or other works of the city, shall exceed thirty days; and to provide in cases, where fine and costs are not paid by the party convicted, that the party, so in default, shall work out such fine and costs under the direction, provided the time for such work shall not exceed fifteen days, and to pass all such laws, by-laws and ordinances, as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for good government of the city, not contrary to the constitution and laws of the State, or to restrictions in this act expressed.

Further powers.

SEC. 18. *Be it further enacted*; That the mayor and aldermen shall have authority to cause all vagabonds, idle or disorderly persons, all persons of ill fame or evil life, and such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging or drunk in or about the streets, or who can show no reasonable course of business or employment in the city, all who have no fixed place of residence or cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly or in the streets, and all prostitutes, or such as lead notoriously a lewd or lascivious course of life. to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time, not exceeding three days in any one month, unless such security shall be sooner given, which said labor shall be such as may be designated by the mayor and aldermen for the benefit of the city, and if such persons shall be found afterwards so offending, such security may be again required, and in want thereof the like proceedings may be had, from time to time, as often as may be necessary in each and every month.

SEC. 19. *Be it further enacted*, That whenever it is deemed expedient by the mayor and aldermen to widen or extend a street, lane or alley, the mayor shall summon twelve freeholders, inhabitants of the city, not directly interested in the lands or lots through which such street, or lane or alley is to be widened, extended or opened, who being first sworn by the mayor to assess and value what damages would be sustained by the owners of said lots or lands, by reason of the widening, extending or opening such street, lane or alley as proposed, taking into consideration the benefits to said lots or lands, resulting therefrom, shall assess such damages, which assessment may be made by the vote of a majority of said freeholders, and must be reduced to writing, subscribed by a majority of such freeholders and delivered to the city clerk, who must record the same, and before such street, lane or alley shall be opened, widened or extended, the damages so assessed to the parties entitled thereto, notice of the time and place of such assessment shall be given for such time and in such manner as the board may, by ordinance, provide; *Provided, however*, That where the widening, extending, improvement or opening of a street, lane or alley will be of benefit to the owners of lots or lands on or through which or adjacent to which the same is widened, extended, improved or opened, the mayor and aldermen may provide the means therefor by assessment on the owners of such lots or lands to be benefitted thereby, or by assessment on the lots or lands to be thus benefitted, and may enforce and collect such assessment as other taxes. And for the purpose of carrying [out] the provisions of this section the board may adopt such rules and regulations on the subject, not inconsistent herewith, as they may deem expedient, and either party may appeal from any assessment made under the provisions of this section to the circuit court of Madison county within ten days from the making of such assessment, under the rules and regulations governing appeals from the judgments and decisions of the mayor; but in no case the appeal is taken by the corporation. The official bond must be approved by the clerk of the circuit court.

SEC. 20. *Be it further enacted*, That the said mayor and aldermen shall have authority to levy taxes on the real and personal estate within said city, except such as is, or may be, exempt from taxation under the laws of

Taxation and
license.

the State or of the United States, on auction sales, and sales of merchandise thereon, on capital employed in business in said city, or incomes of persons resident therein, or itinerant or transient merchants or traders, on any business, profession, trade or calling carried on in said city, and on all other subjects of taxation within said city, on which State taxes are now or shall hereafter be levied by the laws of Alabama ; *Provided, however,* That no tax shall be levied upon sales under judicial proceedings, or by executors, administrators or guardians, under deed for the security or payment of debts.

Limitation of
taxes.

SEC. 21. *Be it further enacted,* That the said tax on real and personal estate shall not in any one year exceed three-fourths of one per cent. on the value of such property, and shall be levied according to assessment and valuation of the property taxed, made by the assessor, under such rules and regulations as the board may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to review and correct, as they may deem just and proper. In making assessments the rule of assessment shall be the least value of the property assessed.

Poll tax.

SEC. 22. *Be it further enacted,* That the said mayor and aldermen shall have authority annually to levy on each male inhabitant, between the ages of eighteen and forty five, a special tax of not exceeding two dollars and fifty cents, as a street tax ; *Provided,* That any person liable for such street tax may relieve himself of the same by working on the streets of said city ten days, under the direction and control of the street superintendent or other officer appointed by the board for the purpose ; and the board may provide such penalty for the failure to pay said poll tax on said street tax as is provided by law for failure to pay State tax. The inhabitants of said city are exempt from working on the roads and highways out of the city.

Application
of taxes.

SEC. 23. *Be it further enacted,* That the tax levied by said mayor and aldermen on the real and personal estate lying and being in those parts of said city known as the parts which have been incorporated into the city limits since the year one thousand eight hundred and sixty, shall be exclusively applied to the improvement of the streets, sidewalks and alleys of such parts of said city, until said streets, sidewalks and alleys shall be put in as comfortable a condition by graveling, macadamizing and

grading, as are the older parts of the said city, and when the said streets, sidewalks and alleys are so put in order, then the same rule shall govern the proceeds of the taxes in all the limits of this incorporation; *Provided*, That if said mayor and aldermen shall cause said parts of said city in this section described to be put in order as herein described, and shall establish a day and night police therein as in other parts of the city, then the provisions of this section, as to the application of the tax, shall cease.

Proviso.

SEC. 24. *Be it further enacted*, That said mayor and aldermen shall have power to require merchants, auctioneers, commission merchants and other persons liable to pay taxes on sales of goods, wares and merchandise, to pay annually a tax on the gross amount of their stock on hand, not exceeding such tax as may, by the laws of the State, be levied on such stocks. On all transient merchant peddlers and auctioneers or other persons, not having a permanent residence in said city, who may in said city engage in making such sales, said mayor and aldermen may impose a tax, either on the privilege of engaging in such business in said city, or on the value of the goods by them offered for sale, or on the amount of their sales, to be paid at such times as they may appoint, and if said person shall remain in said city for the space of twelve months, engaged in business, they shall be entitled to pay the tax on gross sales annexed, as herein provided for, and to a deduction therefrom of the taxes paid, and to a return of any excess of such tax as they may have paid.

Statements
of amount of
business.

SEC. 25. *Be it further enacted*, That full power and authority are hereby given to said mayor and aldermen to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of the taxes authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions herein before expressed, for the violation of the ordinances in reference to the taxes and revenue of the city, as they deem expedient and proper; *Provided*, That the powers conferred by this section, shall not extend to imprisoning. For any mistake, or other defect in the assessment or levy of the taxes, said board may, if they deem it necessary or expedient, set aside such assess-

Assessment
of taxes, &c.

ment, or levy in whole, or in part, according to the circumstances, and direct a new assessment or levy, in whole, or in part, as the case may be.

Force of assessment. SEC. 26. *Be it further enacted*, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits, of the party against whom the same are assessed or levied, and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or, if assessed to an owner unknown, by a sale of the property. All such sales of property for the non-payment of taxes must be after thirty days' notice by advertisement in a newspaper published in said city. The person appointed to collect such taxes shall make such sales under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all previous proceedings, and of all the facts stated therein; and also that all the requirements of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with; *Provided, however*, That real estate sold for the payment of taxes under this act, may be redeemed at any time within two years from the sales, on the payment of the amount for which such property was sold, with interest, at the rate of ten per centum per annum on all taxes and costs which have accrued; and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser. And infants, lunatics and married women shall be allowed one year after the removal of their respective disabilities for the redemption of their real estate; and upon such payment or deposit being made within the period allowed for redemption, created by such sale and certificate, shall cease and determine, and the purchaser or claimant under him shall relinquish possession; on a failure to do so he shall be liable for an unlawful detainer.

In case of non-payment.

Sales for taxes.

Right of redemption.

SEC. 27. *Be it further enacted*, That no prosecution, suit or claim whatever pending or to be brought under

existing laws, shall in any manner be effected, impeded or altered by the passage of this act, and all the existing ordinances and by-laws of the city of Huntsville, adopted in pursuance of the present charter of said city and not [in] conflict with this act or with the constitution and laws of the State, shall be and remain in force as the ordinances and by-laws of said city until repealed or modified by the present mayor and aldermen, or by the mayor and aldermen elected under this act.

Pending suits
not effected.

SEC. 28. *Be it further enacted*, That the present mayor and aldermen of Huntsville shall continue to act as such until the election and qualification of the mayor and aldermen chosen at the first election under this act; and if a vacancy shall occur in the office of mayor and aldermen before such first election, the present board shall fill it, and the mayor and aldermen of said city, now in office, shall have and exercise all the power and authority which, by this act, are conferred upon the mayor and aldermen to be elected hereunder; and the mayor and the other officers of the present board shall respectively have and exercise all the authority and power which, by this act, are granted respectively to the mayor and the same officers of the corporation, to be appointed under this act.

Present incumbents continued.

SEC. 29. *Be it further enacted*, That nothing in this act contained shall be construed as repealing or in anywise affecting an "Act to authorize the mayor and aldermen of the city of Huntsville to levy a special tax," approved, December the 5th, 1868, or an "Act to authorize the mayor and aldermen of Huntsville to issue the bonds of said corporation," approved, November 24th, 1866, but said acts are continued in force, and shall apply as well to the mayor and aldermen elected under this act as to the mayor and aldermen now in office.

Acts not effected.

SEC. 30. *Be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act be, and the same are hereby repealed.

Conflicting acts repealed.

Approved, March 3, 1870.

No. 329.]

AN ACT

To provide for the State printers copies of the journals of the two Houses of the General Assembly during the present session.

Appropriation for copies of journals.

Be it enacted by the General Assembly of Alabama, That the sum of two hundred and fifty dollars each, is hereby appropriated to the secretary of the Senate and clerk of the House of Representatives for making a fair and correct copy of their respective journals during the present session, for which amounts the auditor of the State will draw his warrant on the State treasurer in favor of said officers of the Senate and House of Representatives, upon the presentation of a certificate of the Secretary of State, that said officers have deposited in his office correct copies of their journals.

Approved, March 3, 1870.

No. 330.]

AN ACT

To amend section 2131 of the Revised Code of Alabama.

Section 2131 reedited.

Be it enacted by the General Assembly of Alabama, That section 2131 of the Revised Code of Alabama, which reads as follows: "After such executor or administrator has compromised such claims he must report his action to the court of probate granting the order, and if the judge is satisfied that such settlement and compromise has been. in all respects, conducted in good faith, and is of benefit to the estate, he must make an order confirming such settlement; but any party interested may have the right of appeal from such order, either by himself or guardian, which guardian the court may appoint whenever, in its discretion, it may be necessary; however, the provisions of this and the preceding section shall not apply to any debt accruing since the first day of May, eighteen hundred and sixty-five," be so amended as to read, when amended, as follows: After such executor, guardian or administrator has compromised such claims he must report his action to the court of probate granting the order, and if the judge is satisfied that such settlement and compromise has

Amendment.

been, in all respects, conducted in good faith, and is of benefit to the estate, he must make an order confirming such settlement; but any party interested may have the right of appeal from such order, either by himself or guardian, which guardian the court may appoint whenever, in its discretion, it may be necessary.

Approved, March 3, 1870.

No. 331.]

AN ACT

For the relief of Patrick Doran, of Montgomery county.

Be it enacted by the General Assembly of Alabama, That the county treasurer of Montgomery county is hereby authorized and required to pay Patrick Doran the sum of one hundred and fifty-one dollars and seventy-five cents, for service rendered in the county criminal court for said county, whenever he shall present his account to said treasurer, duly sworn to. Relief granted

Approved, March 3, 1870.

No. 332.]

AN ACT

To incorporate the town of Stevenson, in the county of Jackson.

Be it enacted by the General Assembly of Alabama, That the town of Stevenson, in Jackson county, whose limits shall be, taking the Nashville and Chattanooga railroad freight depot as the center of a square, one half mile to each side of said square; and Slater Crawford, mayor, B. L. Davis, Allen Lea, A. J. McCampbell, George Thornton, J. J. Overdeer, and W. V. Pankey, aldermen, having been elected to said offices by the qualified voters of said town on Saturday, the first day of January, 1870, be, and they are hereby constituted a body corporate by the name and style of "The mayor and aldermen of the town of Stevenson," to hold office one year from day of their election, and until their successors are elected and qualified; and by the name and style aforesaid shall Corporate limits.
Corporate.
Corporate name.

Franchises.

have perpetual succession; shall sue and be sued, plead and be impleaded in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, whether real or personal, within or beyond the limits of said town for the erection of school houses, academies, colleges, churches, hospitals, poor houses, or either of them, and may sell or dispose of the same as natural persons.

Annual election.

SEC. 2. *Be it further enacted*, That there shall be held annually, on the first Saturday of January, an election for mayor and six aldermen, who shall hold office for one year and until their successors are elected and qualified; that when two or more persons have an

In case of tie.

equal number of votes for mayor, the election shall be decided by a majority of the votes of the aldermen elect; and in case of a tie vote for aldermen, the election shall be referred back to the people and held as before, giving

Sheriff to hold election.

five days' notice. It is hereby made the duty of the sheriff of said county to hold this said annual election, giving ten days' notice. The vote shall be by ballot by the qualified voters of said town. The mayor and aldermen elect shall at once be qualified and commence the discharge of the duties of their offices.

Duty of mayor

SEC. 3. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the council; to take care that all the ordinances of the town are duly enforced; that he shall have exclusive original jurisdiction of all offenses arising under any violation of the provisions of this charter, or breach of any ordinance of the town, and shall have concurrent jurisdiction with the justices of the peace of Jackson county in all cases arising, and to be tried within the limits of the town, either civil or criminal, and shall receive such fees for his services as may be prescribed by ordinance.

Powers of board.

SEC. 4. *Be it further enacted*, That the mayor and aldermen shall have power, by ordinance, within the limits of the town—1st. To levy and collect taxes upon all property taxable by law for State purposes. 2nd. To levy and collect taxes upon all privileges and polls taxable by the laws of the State. 3rd. To appropriate money, and provide for the payment of debts and expenses of the town. 4th. To make regulations to secure the general health of the inhabitants, to prevent and remove nuisances. 5th. To open, alter, abolish,

Taxes.

Debts, &c.

Sanitary regulations.

widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets, alleys, side-walks, or to have the same done. 6th. To erect, establish and keep in repair bridges, culverts, sewers and gutters. 7th. To regulate the use of lights, stove-pipes and flues in all houses, shops, stables, kitchens and other like places. 8th. To establish, support and regulate night watch and patrol. 9th. To erect market houses, establish markets and regulate the same; and to license or restrain huckstering in said town. 10th. To provide for the erection or renting of all buildings, necessary for the use of said town. 11th. To provide for enclosing, improving and regulating all public grounds belonging to the town, in or out of the corporation limits. 12th. To license, tax and regulate auctioneers, grocers, merchants, retailers, brokers, coffee-houses, confectioneries, eating-stands, retailers of liquors, bankers, peddlers, livery-stable keepers, tavern keepers and saloons. 13th. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements. 14th. To tax, license, regulate or prohibit all disorderly houses, known as bawdy houses. 15th. To appoint and regulate a police for the town, to impose fines, and forfeitures and penalties for breach of any ordinance, and to provide for their recovery and appropriation. 16th. To provide for arrest and confinement until trial of all disorderly persons within the town, by day or night; to authorize the arrest and detention of all suspicious persons, and prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly assemblages in any street, house or place in the town, by day or night. 17th. To prevent and remove all encroachments into and upon all streets, lanes, avenues and alleys, established by law or ordinance. 18th. To remove all obstructions from side-walks, and to provide for the construction and repair of all side-walks and curb-stones, and for cleaning the same, and of the gutters at the expense of the owners of the ground fronting thereto. 19th. To pass all ordinances, not contrary to the constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this act, and to accomplish the object of their incorporation.

Streets.

Bridges, &c.

Patrols.

Markets.

Public ground

Licenses.

Theatres, &c.

Police.

Fines, &c.

To make arrests.

Obstructions.

Ordinances.

SEC. 5. *Be it further enacted*, That there shall be a town marshal, who shall be elected by the mayor and

Marshal ; his
powers.

aldermen, who shall hold his office for one year from his election, and until his successor is elected and qualified ; he shall have power to execute all State warrants for the violation of the criminal laws of the State of Alabama ; also, to execute all warrants for the violation of the ordinances or charter of the town of Stevenson ; also, to execute all other processes that a constable of the State generally, by the laws of the State, can execute ; and that his jurisdiction shall only extend to the limits of Stevenson. He shall have further power to summons any person or persons, whether residents of the town or not, to aid him in arresting any disorderly or other person or persons against whom he has a warrant to arrest the same, or for any offense committed in his (the marshal's) presence, and upon their refusal so to aid him, shall incur a fine of ten dollars, to be recovered before the mayor of the town, upon proof of the same against said person or persons.

Penalty for
refusing aid.

Clerk and
treasurer.

SEC. 6. *Be it further enacted*, That a town clerk and treasurer shall be annually elected by the mayor and aldermen of said town, to hold office for one year, and until his successor is elected and qualified. Any alderman shall be eligible to hold the office of clerk and treasurer.

Qualifications.

SEC. 7. *Be it further enacted*, That the mayor and aldermen shall have been residents of the town of Stevenson twelve months next preceding election.

Exemption
fr'm road duty

SEC. 8. *Be it further enacted*, That no person residing within the limits of the town of Stevenson shall be required to work upon the roads beyond the limits of said town.

Acts confirm'd

SEC. 9. *Be it further enacted*, That all the acts of the present board of mayor and aldermen, acting under the old charter be, and are hereby confirmed and declared legal.

Duties of
clerk.

SEC. 10. *Be it further enacted*, That the clerk of the board of mayor and aldermen shall keep a record of the proceedings of the board, and shall publish the same in any newspaper published in the town, or if no newspaper be published in said town, shall post the same in five public places, and the clerk shall make known all ordinances in the same manner, which shall not go into effect till publication has been made ten days.

SEC. 11. *Be it further enacted*, 1st. That an assessment of all property in said town subject to taxation, shall

be made annually by the marshal of said town, naming the owner of the property, if known, otherwise assessing it to "owners not known"; and upon failure or refusal of any person or persons to give his, her or their property, when required to do so, the marshal must proceed to assess from the best information he can obtain; the person so refusing, upon being returned by the marshal, may be fined by the board any sum not exceeding twenty-five dollars, and not less than ten dollars for the use of said town. 2d. The assessment, when completed, must be returned to the board, who shall cause ten days' notice to be given by advertisement in any newspaper of said town, or if there be no newspaper, then by other sufficient means, of the time and place, when and where the board of committee of its own members, appointed by the mayor, will hear complaints and correct errors and mistakes. 3d. Complaints having been made, heard and decided, and errors and mistakes corrected, the assessment must be marked "approved" by the mayor and delivered to the marshal to collect taxes. 4. The assessment so approved shall have the effect and force of a judgment and execution, and the marshal shall, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to owner unknown, by a sale of the property. 5th. All such sales of personal property must be advertised for ten days in a newspaper published in said town, or if there be no newspaper, then by other sufficient means; all sales of real estate must be advertised for thirty days in the same manner. 6th. The advertisement herein provided for must contain a description of the property, the name of the person to whom assessed, unless it is assessed to an unknown owner, in which case it must be so stated, and the amount of taxes for which it is sold, including the costs and expenses of advertising. 7th. All sales of property under this act must be made in the town of Stevenson, in some public place, between the hours of twelve M. and four P. M., and may continue from day till day until the sale is completed. 8th. The marshal making the sales herein provided for shall give to the purchaser of real estate a certificate of purchase similar in form to those given by the State and county tax collectors, and which shall have the same effect. 9th. All real estate sold un-

Assessments.

Assessments to be returned to the board.

Notice of assessment.

Corrections.

Approval of assessment.

Force of assessment.

Sales for taxes

Advertisem't.

Sales, where and how made

Certificate of purchase.

Redemption
of real estate.

der this act may be redeemed at any time within two years from the day of sale, on the payment of the amount for which the property was sold, with interest at the rate of twenty per cent. per annum, and all taxes and costs which have accrued. 10th. Infants, married women and lunatics shall be allowed one year after the removal of their respective disabilities to redeem, on complying with the requirements herein above specified.

Conflicting
laws repealed.

SEC. 12. *Be it further enacted*, That all laws and parts of laws inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect from date of passage.

Approved, March 3, 1870.

No. 333.]

AN ACT

To declare William Deason a citizen of Coosa county.

Boundary
changed.

Be it enacted by the General Assembly of Alabama, That William Deason is hereby declared a citizen of Coosa county, and the boundary line between the counties of Clay and Coosa is so changed as to embrace the west half and all the east part of fractional section number twenty (20), of fractional township number twenty-four (24), of range six (6), in the Coosa line, running from the Socopatoy road, and west of the road meeting Ross' land, in Coosa county.

Approved, March 3, 1870.

No. 334.]

AN ACT

To establish additional precincts in the county of Colbert.

Additional
precincts.

Be it enacted by the General Assembly of Alabama, That the commissioners of Colbert county, designated by law to hold an election in Colbert county on the first Monday in March, 1870, for the purpose of electing county officers, shall have, and are hereby declared to have, the right to establish a precinct at James Saygley's,

at Wheeler's tanyard, and at Cightum, in addition to the precincts already existing in the county of Colbert.

Approved, March 3, 1870.

No. 335.]

AN ACT

To authorize the making affidavits to claims filed against insolvent estates at any time previous to final settlement.

Be it enacted by the General Assembly of Alabama, That when claims are filed against estates declared insolvent within the time prescribed by law, without affidavit being made at the time of filing, that the claim is due, it shall be a sufficient verification if the affidavit is made at any time before a final decree distributing the assets of the estate.

Affidavits to claims against insolvent estates.

Approved, March 3, 1870.

No. 336.]

AN ACT

To regulate the appointment and authority of the guardians who may hereafter be appointed for Beauregard Carter and Kate Carter.

Be it enacted by the General Assembly of Alabama, That the legal guardian hereafter appointed for Beauregard Carter and Kate Carter, minors, be, and he is hereby authorized, either with or without the aid of attorneys, to compromise with the administrator *de bonis non* of the estate of James F. Carter, deceased, late of the county of Macon, or with any other person, or persons, all the interest, present and future, which the said Beauregard and Kate have in said estate, as legatees under the will of said James F. Carter; and any compromise which may be made by such guardian in respect to the interests of said Beauregard and Kate in said estate, or under said will, shall be reported by said guardian to the probate court by which he was appointed, for its approval or disapproval, and if approved by such court, its judgment approving the same

Guardian authorized to compromise.

Report to probate court for approval.

shall be binding upon said wards and minors, and other persons, subject, however, to an appeal to the supreme court, to be taken within twenty days from the judgment of approval.

Bonds may
be waived.

SEC. 2. *Be it further enacted*, That the probate court to which application may be made to appoint guardians for said Beauregard and Kate, is hereby authorized to exempt the guardians it may appoint for them from giving bond as such guardians, if it is found impracticable to procure guardians who will give bond, or if any other reasonable cause is shown for not requiring bond.

Approved, March 3, 1870.

No. 337.]

AN ACT

Requiring the officers of the county of Franklin to restore to the officers of Colbert county the books, papers and property, formerly belonging to the county of Colbert, and now in the offices or possession of the officers of Franklin county.

Officers of
Franklin co. to
restore books
to officers of
Colbert co'ty

Be it enacted by the General Assembly of Alabama, That the respective officers of the county of Franklin, be, and they are hereby required to deliver up to the like officers of Colbert county, all the books, papers and property now in their offices, or in their possession, which were surrendered to them pursuant to the provisions of an act, entitled, "An act to compel the late officers of Colbert county to deliver over to the duly elected and qualified officers of Franklin county, all moneys, books, papers and property, now in the hands of said officers," approved August 10th, 1868, and also all the books, papers and documents, &c., surrendered to said officers of Franklin county, under an act entitled "An act to regulate and establish legal proceedings in the county of Franklin," approved December 10th, 1868.

Approved, March 3, 1870.

No. 338.]

AN ACT

To establish an election precinct at Locust Bluff, in Autauga county.

Be it enacted by the General Assembly of Alabama, Precinct at
That an election precinct be, and is hereby established Locust Bluff.
at Locust Bluff, in the county of Autauga.

Approved, March 3, 1870.

No. 339.]

AN ACT

To amend an act entitled, "An act authorizing the Commissioners Court of roads and revenue in the counties of Elmore and Autauga to pay solicitors of said counties salaries in lieu of fees.

Be it enacted by the General Assembly of Alabama,
That an act entitled "An act authorizing the com- ^{Act recited.}
missioners court of roads and revenue in the counties of Elmore and Autauga to pay solicitors of said counties salaries in lieu of fees," which reads as follow: "Be it enacted by the General Assembly of Alabama, That the commissioners court or roads and revenues in the counties of Elmore and Autauga be, and are hereby authorized to provide such salary as they may deem expedient, not to exceed five hundred dollars, to be paid to the solicitors in each of said counties, in lieu of all fees that may accrue to them in the performance of the duties of their office; *Provided*, That all fees hereafter due said solicitors, shall be paid into the county treasury," be amended to read as follows: ^{Amendment.} "That the commissioners court of Autauga county be, and are hereby authorized to pay to the solicitor of said county an annual salary, not to exceed five hundred dollars, in lieu of all fees that may accrue to said solicitor in the performance of his official duty; *Provided*, That all fees hereafter due said solicitor shall be paid into the county treasury.

Approved, March 3, 1870.

To regulate the finances of Coffee county.

Be it enacted by the General Assembly of Alabama,

Treasurer to
make state-
ment of debts.

Classified.

To make an-
nual exhibit.

To make simi-
lar statements
of claims paid.

Issue of treas-
ury notes pro-
hibited.

That it shall be the duty of the county treasurer of Coffee county, and he is hereby required, to make to the court of county commissioners an accurate exhibit of every item of the present indebtedness of said county, classified under the following headings, designating the number of the claim, to whom issued, the date and amount of each; also what remains unpaid for each year in the aggregate; further, that he shall keep his accounts in the future on the plan proposed, and make a like exhibit annually to the court of county commissioners, that the citizens may see and know the financial condition of the county: 1st. County treasury notes in circulation; the number and date of issue and the amount. 2d. Claims for *ex-officio* services. 3d. Claims for jury service. 4th. Claims for *per diem* of members of the court of county commissioners, stationery for the different officers, books, clerk hire, election returns. 5th. Claims for expenses of county court, viz: Pay of the county judge, sheriff, solicitor, clerk, and incidentals connected with said court. 6th. Claims for paupers, including physicians' bills and funeral expenses. 7th. Claims for building and repairs of bridges. 8th. Claims for building and repairs on court-house and jail. 9th. Salary of county superintendent of free public schools up to 15th July, 1868, and any other officers. 10th. Amounts allowed as commissioners to tax-assessor, collector, and treasurer for 1869, and for each year hereafter, and any extra allowance. 11th. Miscellaneous claims, (such as cannot properly be classified as above); and further, in making his annual settlement as now required by law, he is and shall be required to arrange in the same manner as above required, the claims taken up and settled by him, with the number and date, and the person to whom issued, and to post the same at the court-house door, and in each precinct of the county.

SEC. 2. *Be it further enacted,* That the further issue of the county treasury notes be, and the same is hereby forbidden, for any purpose whatever, under penalty, on conviction before a court of competent jurisdiction, for

each offense, five hundred dollars. It is hereby declared a misdemeanor to issue any Coffee county treasury notes.

SEC. 3. *Be it further enacted*, That the tax on license shall not hereafter be paid in county claims, unless the county treasurer certifies that such claims are entitled to the first moneys which would be paid into the treasury by virtue of date of issue and number of registration, under subdivisions 1 and 2, section 926. Licenses, how paid.

SEC. 4. *Be it further enacted*, That it shall be the duty of the treasurer, annually, to show separately the amount raised from general and special taxation from licenses, from fines and forfeiture, and from whom. It shall also be his duty to show the amount from county tax on suits and on seals. Annual statement of amt raised.

SEC. 5. *Be it further enacted*, That the treasurer shall make an estimate of the amount necessary to pay the claims for jury service; *per diem* of members of the court of county commissioners of Coffee county; stationery, now due, and what may be necessary to pay like claims for the year eighteen hundred and seventy, and present the same to the court of county commissioners of Coffee, and also for such other claims as the law now requires to be paid out of the cash revenues of the county. That in order to enable the treasurer to present the amount required for jury service, the clerk of the circuit [court] shall furnish him with such information as is in his power to provide, and hereafter shall, after thirty days after each term of the circuit court, furnish the treasurer with a list of the certificates, with the amounts and the name of person performing such jury service. Annual estimate.

SEC. 6. *Be it further enacted*, That the court of county commissioners of Coffee county shall have levied and collected a special tax for the purposes set forth in section 5 of this act, as required of the county treasurer by subdivision 7a, of section 926 of the Revised Code of Alabama, to pay such claims out of the cash revenues, and that jury certificates, petit and grand, *per diem* of members of the court of county commissioners and stationery, or for other purposes provided for in section five of this act, shall be receivable in payment only of such specific or special tax, in the order of registration, or certificate of county treasurer that the amount levied will reach the number offered in lieu of taxes. Circuit clerk to furnish information.

SEC. 7. *Be it further enacted*, That the treasurer shall Special tax required.

Claims to be paid in order of registration pay no claims out of the order of its registration, and whenever any moneys are received by him, whether under the general or special taxation, he shall give notice that he is prepared to pay claims to the amount received, **Notice.** designating the claims which are of the oldest date of issue and registration, and paying the claims designated in section five of this act, only out of the taxes raised for that purpose, and other claims out of the funds raised for general purposes, and shall pay them on order of registration as before required, and in the case he fail to perform the duty required of him by the section, he shall be liable to damages of twenty per cent. of the amount of the claim unpaid in its order on demand of the party holding the same, to be recovered by summary proceedings, on ten days' notice, against said treasurer. **Penalty for non-performance.**

Special tax for specific purposes.

SEC. 8. *Be it further enacted,* That the court of county commissioners may, if, in their judgment, they think best, levy and have collected a special tax for the following purposes, *i. e.*, purchasing the claims against the county. The court shall give notice to claimants, who will signify, by filing their claims with the treasurer, with their endorsement thereon, of their acceptance of the terms proposed, that a special tax will be collected to pay the claims, at the following rates : For the claims of 1869, forty cents on the dollar ; for those of 1868, sixty cents ; for those of all preceding years, seventy-five cents on the dollar ; and that those who will not accept these terms, will not have the benefit arising by an earlier payment than by the general fund, as the amounts which would have belonged to the accepted claims by virtue of priority of issue, shall be used by the court in the purchase of such other claims as may be against the county, at the current rates of sale, or put up and sold, payable on county claims, provided the rate allowed for claims shall not be greater than fifty cents on the dollar.

Claims not taken by tax collector.

SEC. 9. *Be it further enacted,* That the tax collector shall not take any claim in payment of taxes, except such as heretofore provided for in section 6, and in the manner set forth therein ; and unless the treasurer shall certify the amount of taxes levied will be sufficient to take up such claim in accordance with the number of registration.

SEC. 10. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be, and

the same are hereby repealed, so far as they relate to ^{Conflicting} Coffee county. ^{laws repealed.}

Approved, March 3, 1870.

No. 341.]

AN ACT

To authorize and require the present county superintendents to receive and disburse the school moneys for the years 1866, 1867, and up to July 12th, 1868.

Be it enacted by the General Assembly of Alabama, That the county superintendents of education now in office be, and they are hereby authorized and required to receive and disburse the school moneys for the years 1866, 1867 and 1868, in accordance with the laws in force at that time. ^{County superintendents to disburse for 1866-7-8.}

SEC. 2. *Be it further enacted,* That the county superintendents and their securities are held bound, under their official bonds, for all moneys received under the provisions of this act. ^{Bound for moneys rec'd.}

Approved, March 3, 1870.

No. 342.]

AN ACT

To authorize Henry P. Smith, administrator, &c., to sell land at private sale.

Be it enacted by the General Assembly of Alabama, That Henry P. Smith, administrator, &c., on the estate of Thomas G. N. Shannon, deceased, in Tallapoosa county, be, and he is hereby authorized and empowered to sell the lands belonging to said estate, at private sale, and to make titles to said lands when sold, any law to the contrary notwithstanding; *Provided,* That said administrator shall report said sale to the probate judge of said county for confirmation, as now required by law in cases of estates. ^{May sell lands.} ^{Report to probate judge.}

Approved, March 3, 1870.

No. 343.]

AN ACT

For the relief of tax-payers in the county of Marengo.

Preamble.

Whereas, The board of equalization for the county of Marengo have committed grievous errors in the assessment of taxes on real estate in said county, by acting without sufficient and proper evidence as to the value thereof, and

Whereas, Said board has no power under existing laws to meet again to correct said assessments; therefore,

Board of
equalization;
special term.

To correct
assessments.

Their action
final.

Collection of
taxes suspended.

Notice of
penalty.

When to take
effect.

Be it enacted by the General Assembly of Alabama, That it shall be the duty of the probate judge of said county to call a special term of said board within twenty days from the passage of this act, to correct and rectify any errors which may be found to exist in the assessment made by said board in the year 1869.

SEC. 2. *Be it further enacted,* That the action of said board at said special term shall be final.

SEC. 3. *Be it further enacted,* That the tax collector of said county be, and he is hereby required to suspend the collection of taxes on real estate in said county until said board acts as aforesaid, and no tax-payer in said county whose property is re-assessed by said board, shall be liable to pay the penalty now affixed by law, until one month after the said tax collector is furnished with the corrected assessment by said board as aforesaid.

SEC. 4. *Be it further enacted,* That the said tax collector shall give notice of the time when such penalty will be incurred, by posting up a written notice of the same at two public places in each precinct of the said county, for ten days prior to the time when such penalty will be incurred.

SEC. 5. *Be it further enacted,* That this act shall take effect immediately after its passage, any law to the contrary notwithstanding.

Approved, March 3, 1870.

No. 344.]

AN ACT

To raise the per diem of grand and petit jurors of Jefferson county.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the grand and petit jurors of Jefferson county shall receive a per diem of two dollars, and ten cents per mile in travelling to and from the court-house where they are attending the courts in discharge of their duties, and the circuit clerk shall issue his certificate as now provided by law. Pay of jurors.

Approved, March 3, 1870.

No. 345.]

AN ACT

For the relief of the administrators of the estate of James Cleveland, deceased, of the county of Clarke.

Be it enacted by the General Assembly of Alabama, That Samuel Forword and William A. Morris, administrators of the estate of James Cleveland, deceased, of the county of Clarke, shall have power, and are hereby authorized to sell, at public outcry, the bad and doubtful debts due said estate, after giving due notice of such sale. Administrators may sell bad debts.

Approved, March 3, 1870.

No. 346.]

AN ACT

For the relief of the solicitors of the counties of Macon, Monroe and Baldwin.

Be it enacted by the General Assembly of Alabama, That the solicitors of the counties of Macon, Monroe and Baldwin, be paid a salary of not less than two hundred and fifty dollars per year, out of any money in the county treasury. Salary of solicitors.

SEC. 2. *Be it further enacted,* That said allowance shall be made by the commissioners court of said counties at the February term in each year. Commissioners court to make allowance each year.

Approved, March 3, 1870.

No. 347.]

AN ACT

To repeal an act entitled "An act incorporating the North Alabama Manufacturing Company, approved February 19th, 1867."

Be it enacted by the General Assembly of Alabama
 That an act entitled "An act to incorporate the North Alabama Manufacturing Company, approved February nineteenth, (19th,) 1867," be, and the same is hereby repealed.

Approved, March 3, 1870.

No. 348.]

AN ACT

Declaratory of the objects, powers and rights of building and loan associations.

Objects of
association.

Be it enacted by the General Assembly of Alabama
 That the object of building and loan associations is to encourage the acquisition and improvement of homesteads, by furnishing a depository for surplus earnings of whatever amount, and by providing a safe, simple and economical administration of the funds of the association on strictly mutual principles, by encouraging the erection of dwellings and other tenements, by loans of the accumulations to the shareholders of the corporation to be repaid in easy installments, and running through a series of years, thus securing to the artisan, the mechanic and the laborer, a speedy, safe and productive investment of his earnings, be they great or small, at the smallest conceivable risk and expense.

SEC. 2. Be it further enacted, That such association shall have power, 1st. To levy monthly contributions from the shareholders, not to exceed one dollar per share in any one month; 2d. To compel payment and compliance with all lawful orders, by fines and forfeitures; 3d. To acquire real estate, to erect buildings and the same to let to any shareholder of the corporation, or to sell to such shareholder on such terms as may be fixed by its by-laws; 4th. To aid shareholders in the erection or improvement of houses by loans of the funds of the association, on such security as may be fixed by

the by-laws; 5th. When funds are on hand, to lend the same to any shareholder of the corporation on such security and on such terms and conditions as may be prescribed by the by-laws, but the security shall be a mortgage on real estate sufficient to protect the association; 6th. When deemed advisable, or when two or more shareholders desire to borrow funds on hand, the association may lend such funds to the highest bidder; *Provided, always*, That all shareholders have equal opportunities to bid, under such regulations as may be prescribed by the by-laws; *And provided*, That no shareholder shall borrow, or purchase the loan of more than two hundred dollars for each share held by him or her; 7th. To prescribe a uniform sale of monthly installments, in which the loans made are to be repaid according to the terms agreed on for the loan, and if loaned to the highest bidder, according to the terms of the purchase; 8th. To secure the payment of installments and loans, and a compliance with all the terms on which loans are purchased, by mortgages, with power of sale on real estate, and the same to foreclose in case of default by a public sale to the highest bidder, and by conveyance to the purchaser, and such purchaser need not be a shareholder; 9th. In determining the amount of capital stock of the association each share shall be valued at forty dollars.

Approved, March 3, 1870.

No. 349.]

AN ACT

To amend the charter of the town Gainesville, in Sumter county.

Be it enacted by the General Assembly of Alabama, That the intendand and council of the town of Gainesville, shall have power to assess a tax upon property in said town, to the extent of not more than seventy-five cents on the hundred dollars of its appraised value, and in addition thereto, they shall have power to levy a special tax not to exceed one-half of the amount assessed on property for special purposes, to be applied, when deemed necessary by them, to the erection of a

Powers of
council.

Special tax.

town hall, market house, public warehouse, or other permanent improvements for the use and benefit of said town.

Salary of intendant. SEC. 2. *Be it further enacted*, That it shall be lawful for the intendant of said town to receive a salary, not exceeding one hundred dollars per annum; for the clerk of said town to receive a salary not exceeding fifty dollars per annum, and for each councilman to receive a salary not exceeding fifty dollars per annum, and that all members of the council when acting as justices of the peace, shall be entitled to receive such fees as are allowed other justices of the peace by the laws of Alabama. That the treasurer of said town may receive as a compensation for his services an amount not exceeding two and one-half per cent. on the receipts and disbursements; *Provided*, That he shall receive nothing, unless he execute and file with the intendant a good and sufficient bond for the faithful performance of his duty; *And provided also*, That he shall make out and present to the intendant and council a statement each month, showing his receipts and disbursements, and shall fully pay over and account for all moneys that may come to his hands according to law.

Clerk.

Councilmen.

Fees.

Treasurer.

Proviso.

Monthly statement.

SEC. 3. *Be it further enacted*, That the council of said town shall have power to fix the salaries and fees of the officers of said town, at sums not exceeding those above mentioned, and may prescribe such fines and forfeitures as they may deem proper for neglect of duty on the part of said town officers.

Salaries and fees.

Fines, &c.

SEC. 4. *Be it further enacted*, That the intendant and council of said town shall have power to collect all the taxes of said town, and all fines imposed by them for violations of town laws, by execution, levy and sale; and from the operation of such executions, no property of any citizen of said town shall be exempt; *Provided*, That whenever real estate in said town is so levied on, the same shall be sold, after giving thirty days' notice of the time and place of sale, by posting such notice on the door of the post-office in said town, and the intendant, in behalf of the town, shall make an absolute deed to the purchaser at such sales. But the owner may redeem said property at any time within two years from the day of sale, by paying to the purchaser the amount he paid for said property, with ten (10) per cent. interest thereon, and also paying to the town whatever town

General powers.

Sales for taxes.

Notice.

Deed.

Right of redemption.

taxes the said redeemer may owe at the time of such redemption.

SEC. 5. *Be it further enacted*, That all qualified voters under the laws of this State who have resided within the corporate limits of said town, ninety days previous to any election held by virtue of the charter thereof, shall be entitled to vote at such election, anything in said charter to the contrary notwithstanding. Qualified electors.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this enactment, be, and the same are hereby repealed. Conflicting laws repealed.

Approved, March 3, 1870.

No. 350.]

AN ACT

To increase the *ex officio* pay of the sheriff of Choctaw county.

Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Choctaw county be, and they are hereby allowed to increase the pay for *ex officio* services of the sheriff of Choctaw county to five hundred dollars, whenever, in their opinion, the extra services of said sheriff justify such increase. Ex-officio service.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and they are hereby repealed as to Choctaw county. Contravening laws repealed.

Approved, March 3, 1870.

No. 351.]

AN ACT

To authorize the court of county commissioners of Choctaw county to issue bonds for the erection of public buildings in said county.

Be it enacted by the General Assembly of Alabama, That in the event the court-house of Choctaw county should be removed during the present year, and that in order to raise means for the erection of the court-house and other public buildings in said county, the court of county commissioners may issue the bonds of said coun- Bonds authorized.

Character of
bonds.

ty, payable at or before the expiration of ten years from the date of their issue, bearing interest not exceeding eight per cent. per annum, payable annually at such place as they may elect; and said bonds must be signed by the treasurer and countersigned by the judge of probate of said county.

Annual tax.

SEC. 2. *Be it further enacted*, That it shall be the duty of said court of county commissioners, annually, to levy a tax sufficient to meet and pay the interest on said bonds, and to pay the same at or before their maturity, which tax shall be a special tax, in addition to the regular county tax, and which shall be appropriated to no other purpose than to the payment of such interest and bonds.

Approved, March 3, 1870.

No. 352.]

AN ACT

To authorize the Memphis and Charleston Railroad Company to raise money for the purposes of the road.

Authority to
borrow money

Be it enacted by the General Assembly of Alabama, That the Memphis and Charleston Railroad Company be, and it is hereby authorized to borrow a sum not exceeding one million of dollars; and in order to secure the payment of the same, the said company is authorized to make and issue its bonds in sums of one thousand dollars for the sum aforesaid, payable not less than five years nor more than twenty years from date, with coupons attached, for the payment of interest semi-annually at the rate of seven per cent. per annum.

May issue
bonds.

SEC. 2. *Be it further enacted*, That in order more perfectly to secure the payment of the principal and interest of the bonds so to be issued as aforesaid, the said company is hereby authorized to execute a third mortgage on its charter, road works and depots, with all the stipulations and conditions necessary to accomplish the intent and meaning of this act. And the manner in which said bonds and mortgage shall be made and executed, shall be prescribed by the board of directors of said company.

May issue a
3d mortgage.

Approved, March 3, 1870.

No. 353.]

AN ACT

To change and establish the line between the counties of Jackson and DeKalb.

Be it enacted by the General Assembly of Alabama, That from and after the passage and approval of this act, the line between the counties of Jackson and DeKalb shall be changed and established as follows: Beginning at or near the south-west corner of section thirty (30), township six (6), range six (6), at or near the line between Marshall and Jackson; thence due north-east to the top of said mountain; thence to John Wilts'; thence to Ezekiel Stringer's; thence to Jenkins' place; thence to Clark's mill, on ——— creek; thence north-east to the north-west corner of section three (3), township four (4), range eight (8); thence east along the township line between township three (3) and four (4), to the former line between Jackson and DeKalb counties.

Boundary changed.

SEC. 2. *Be it further enacted,* That the citizens residing in the territory proposed to be ceded, shall decide the question by a vote to be held for that purpose by the sheriff of Jackson county, which election shall be had by the fifteenth day of May, 1870, after thirty days' notice being given in a newspaper printed in Scottsboro', in Jackson county, specifying the time and places of holding such election, and a copy forwarded to the sheriff, and also to the probate judge of DeKalb county, containing said notice; notice also to be posted, in writing, in three of the most public places in said territory for at least ten days before the day of voting, giving the place and time for the taking of said vote. The voters shall be governed by the law regulating elections on residence and age; the sheriff subject to all the penalties in this as in other elections for his faithful performance. The ballots shall be marked "DeKalb," on those voting to go to DeKalb; and on those wishing to remain in Jackson, the ballot shall be marked "Jackson." If DeKalb obtains the greatest and highest number of votes residing in said territory, then the line shall be established as stated in the first section of this act; if, however, Jackson shall get the largest vote, then the line and boundary is to and will remain as it now stands. The vote, with the tickets sealed, must be returned by the sheriff hold-

To be decided by vote.

Notice of election.

Rules to govern elections.

Ballots.

Returns.

ing said election to the probate judge of Jackson county, within three days after said election, whose duty it shall be to notify the judge of probate of DeKalb county the result of said election.

Contravening laws repealed. SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, March 3, 1870.

No. 354.]

AN ACT

To amend the second section of an act entitled, "An act to incorporate the Vicksburg and Brunswick Railroad Company," approved January 23d, 1867.

Sec. 2 recited. *Be it enacted by the General Assembly of Alabama*, That the second section of the above recited act, which is in words and figures as follows, to-wit: "That whenever the said commissioners shall find, upon examination, that the sum of one hundred thousand dollars, or more, has been subscribed to the capital stock of said company, then the subscribers, and those whom they may at any time associate with them, their successors and assignees, shall be, and they are hereby made and created a body politic and corporate by the name of the "Vicksburg and Brunswick Railroad Company," and by that name shall have perpetual succession, with a common seal, with a capacity to hold, have, receive and enjoy to them and their assignees and successors, property and estate of whatever nature and quality, and the same to alien, hold, transfer and dispose of so far as may be necessary to carry into effect the object of this charter, which is hereby declared to be the construction and maintenance of a railroad from Eufaula, in the State of Alabama, via Troy, Greenville, Camden, to Meridian, in the State of Mississippi, be, and the same is hereby amended so as to read as follows, to-wit: That whenever the said commissioners shall find, upon examination, that the sum of one hundred thousand dollars, or more, has been subscribed to the capital stock of said company, then the subscribers and those whom they may at any time associate with them, their successors and assignees shall be, and they are hereby made and creat-

Amendment.

ed a body politic and corporate by the name of the "Vicksburg and Brunswick Railroad Company." and by that name shall have perpetual succession, with a common seal, with a capacity to hold, have, receive and enjoy to them and their assignees and successors, property and estate of whatever nature and quality, and the same to alien, hold, transfer and dispose of so far as may be necessary to carry into effect the object of this charter, which is hereby declared to be the construction and maintenance of a railroad from Eufaula, in the the State of Alabama, via Troy, Greenville, Camden, to Meridan, in the State of Mississippi, to build a branch railroad from Troy via Elba, to such point on the Florida line in the direction of Pensacola or Mariana, Florida, as they may select; also a branch railroad from Greenville, Alabama, to Selma; *Provided*, That said branch railroad may at any time be transferred to any corporation created under the laws of this State, or the State of Florida, that will construct, assume the debts and obligations incurred in the construction of the same; *Provided further*, That whenever twenty miles on the main trunk have been built, then said branches shall be entitled to the benefits of the endorsement of the State the same as the main trunk, on the completion of sections of five miles.

Corporate name.

Franchises.

Objects.

Branch road.

Proviso.

State aid for branches.

Approved, March 3, 1870.

No. 97.]

AN ACT

To re-organize the municipal government of the city of Mobile, and to provide for the election of the officers thereof.

Be it enacted by the General Assembly of Alabama, That section two (2), three (3), four (4), and five (5), of an act entitled "An act to re-organize and establish a municipal government of the city of Mobile," approved December 21, 1868, be, and the same are hereby repealed; and all the appointments made, and the elections to office, held under and by virtue of said law, shall be, and are hereby declared vacant; *Provided*, this shall not apply to the tax assessor, and city engineer.

Sections repealed.

Offices declared vacant.

SEC. 2. *Be it further enacted*, That the Governor

of the State of Alabama shall appoint a mayor, twenty-four (24) aldermen, and eight (8) members of the common council, for the city of Mobile; and the persons so appointed shall enter immediately upon the discharge of their respective duties, and hold their offices until their successors are duly elected and qualified.

Governor to appoint mayor, aldermen and common council.
Term of office.
Officers, how appointed.
 SEC. 3. *Be it further enacted*, That the aldermen and common councilmen shall meet in joint convention, and shall have power of declaring and filling all vacancies created in municipal offices by virtue of this act, or that may hereafter arise, when any person may, from any cause, become disqualified, or misbehave in office.

Vacancies, how filled.
 SEC. 4. *Be it further enacted*, That in case of any vacancy, in either of said boards of aldermen or common councilmen, by death, resignation, or otherwise, or in case any member shall be absent from the regular meetings of said boards of aldermen, or common councilmen, for two successive months without leave of said boards, the seats of said members shall be declared vacant, and their places filled by the board in which the said vacancy occurred, of which five days public notice shall be given; *Provided*, That in case of a vacancy hereafter at any time occurring previous to the election as herein provided for in the office of mayor, by death, resignation or otherwise, the same shall be filled by the Governor.

Proviso.
Powers.
 SEC. 5. *Be it further enacted*, That said mayor, aldermen and common councilmen, or any or either of them, shall possess and exercise all of the powers and authority conferred by the charter and laws incorporating the city of Mobile.

Governor to make apportionment in 3 days.
 SEC. 6. *Be it further enacted*, That the Governor shall appoint said mayor, aldermen and common councilmen within three days after this act becomes a law.

Apportionment without regard to residence.
 SEC. 7. *Be it further enacted*, That under this act the Governor may appoint any inhabitant of the city of Mobile, without reference to the ward in which he may reside.

May re-district the city.
 SEC. 8. *Be it further enacted*, That the boards of aldermen and common councilmen shall have power to re-district the city into suitable wards.

May elect a recorder; his duties.
 SEC. 9. *Be it further enacted*, That when the mayor, aldermen and common councilmen shall deem that the interest of the city shall require, they may elect some suitable person or persons to act as recorder, whose duty

it shall be to relieve the mayor of the cognizance of all violations of the city ordinances, whose term of office and salary shall be fixed by the mayor, aldermen and common councilmen; any vacancies occurring in said office by death, resignation or otherwise, to be filled by the said mayor, aldermen and common councilmen.

SEC. 10. *Be it further enacted*, That in refusal or neglect of any officer, whose office is vacated by the provisions of this act, to deliver, on demand, to his successors, appointed under this act, all the books, papers or property, real or personal, in his custody or within his power, belonging to the office, the officer so refusing or neglecting, shall be proceeded against as is prescribed by the provisions of article six (6), chapter first. (1st), title five (5), in part first (1st) of the Revised Code of Alabama.

Penalty for refusing to deliver books, &c

SEC. 11. *Be it further enacted*, That on the Tuesday after the first Monday in December, 1870, and every year thereafter, there shall be an election held in Mobile by the qualified electors of said city for mayor, aldermen, common councilmen, treasurer, tax collector, auditor and city clerk; and the persons elected at that time shall hold their respective offices for the term of one year, from the first of January, A. D. 1871, and until their successors are duly elected and qualified.

Annual election.

SEC. 12. *Be it further enacted*, That no person or persons shall be eligible to hold office or vote at or for any officer or officers, at any election to be held under the provisions of this act, unless he or they be citizens of lawful age, and shall have resided within the corporate limits of such city for thirty days next preceding such election or elections.

Qualifications.

SEC. 13. *Be it further enacted*, That it shall be the duty of the sheriff of Mobile county, to give ten days notice in some newspaper printed in said city, of such election; to appoint inspectors and returning officers, and to open a sufficient number of polls in each ward; and to provide for election of officers mentioned in this act; such election shall be conducted according to laws governing elections in this State; and it shall be the duty of the sheriff to maintain and preserve strict order at said election. The returning officers of said election shall certify the same, and make returns to the sheriff of said county, who shall declare the election of and give certificates to the persons so elected, who shall, before

Notice of election.

Election, how conducted.

entering on the duties of such office, take the oath prescribed by the constitution of the State of Alabama.

SEC. 14. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act be, **Conflict'ng
laws repealed.** and the same are hereby repealed, and this act shall take effect from and after its passage.

Approved, February 8, 1870.

JOINT RESOLUTIONS

No. 1.]

JOINT RESOLUTION,

Relating to the Joint Resolution of the Congress of the United States proposing an amendment to the Constitution of the United States, known as Article Fifteen.

WHEREAS, The 40th Congress of the United States, at its last session, passed the following proposition to amend the Constitution of the United States, by a constitutional majority of two-thirds thereof, in the following words, to-wit :

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely : Article Fifteen, Section 1.—The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color or previous condition of servitude. Section II.—The Congress shall have power to enforce this article by appropriate legislation ; and whereas, three-fourths of the Legislatures of the States composing the United States, are required to give assent to the said proposed amendment to the Constitution of the United States before it becomes a part thereof, therefore,

Resolved by the General Assembly of Alabama, That we hereby ratify, on behalf of the State of Alabama, the above recited proposed amendment to the Constitution of the United States.

Resolved, That a certified copy of the foregoing preamble and resolution be forwarded by the Governor of Alabama to the President of the United States.

Approved, November 24, 1869.

No. 2.]

JOINT RESOLUTIONS

Authorizing the purchase for the use of the State of two hundred copies of each volume of Smith's Alabama Reports.

SECTION 1. *Be it resolved by the General Assembly of Alabama,* That the Governor of the State be, and he is hereby authorized to purchase of William R. Smith two hundred sets of Smith's Condensed Alabama Reports, upon the terms herein stated, viz: The set is to consist of five volumes, containing an average of seven hundred pages, and to embrace in a condensed shape, the cases reported from Minor to 9th Porter, both inclusive, omitting such cases as relate to a condition and state of slavery; to be printed and bound in a style similar and equal to Curtis' United States Supreme Court Reports; two hundred copies of each volume to be delivered to the Secretary of State in good order, as soon as completed, at the price of six dollars per volume.

SEC. 2. *Be it further resolved,* That upon the delivery of the books as aforesaid, to the Secretary of State, and upon the certificate of that officer that the books are in good order, the Governor shall draw his warrant upon the Auditor for an amount sufficient to pay for the books so delivered, which shall be paid out of any money in the treasury not otherwise appropriated.

Approved, December 1, 1869.

No. 3.]

A JOINT MEMORIAL

To the Congress of the United States.

To the Honorable the Senate and House of Representatives of the United States of America: Your memorialists, the Senate and House of Representatives of the State of Alabama, respectfully represent the great importance to the country at large of such legislation as will encourage the establishment in this country of mills for spinning cotton, that a large proportion of the cotton now exported to other countries may go abroad in the form of yarn, doubled in its exchangeable value. Besides the advantages that would accrue to the country from an increase of one hundred per cent. in the value of this great export, your memorialists respectfully represent that the establishment of spinning mills in this and other Southern States, would result in great benefit, even if it is not essential to the welfare and subsistence of many hundred thousands of dependent persons, mostly widows and orphans, who might find in

such mills the means of earning for themselves a support. The Southern States, and Alabama in particular, have large tracts of country well adapted to the growth of cereals, abounding in water-power, and measurably free from the malarial diseases prevailing among the rich lands upon which the cotton plant is most successfully grown. In this manufacturing region, every advantage is present that nature can supply, and it lies in close proximity to the cotton-growing belt. Hence it would seem to be true wisdom on the part of legislators, to foster and stimulate the erection in these States of many mills for spinning cotton. Your memorialists are informed by those who have thoroughly studied the subject, that to compete successfully in the markets of the world with those who have now almost a monopoly in supplying cotton yarn, it will be necessary, for a time at least, to closely imitate their manufacture in style and quality, and that this can be most successfully done only by using the same kinds of machinery that are used abroad. The present tariff upon imports imposes a duty of forty per cent. in gold upon the cost of such machinery, which practically prohibits its importation. There are few persons in the United States who manufacture any kind of machinery for spinning cotton yarn, and these are benefitted by this high rate of duty at the expense to the country of deterring capitalists from engaging in competition with foreign spinners. Many hundreds of thousands of our own population are thus deprived of opportunities for self support, and the country loses a large proportion of the advantage in the exchanges of the world that might be secured by adding the increase of value given to cotton by spinning, before its exportation. The imposition of so high a rate of duty is the more remarkable, in view of the fact that machinery for spinning flax is admitted free. Your memorialists would therefore respectfully urge a revision of the tariff, with a view to the removal of this restriction, which they believe will be found, upon investigation, to be contrary to every dictate of sound policy.

•Approved, January 22, 1870.

No. 4.]

JOINT RESOLUTION

To provide for paying the expenses of the joint committee to visit the penitentiary.

Resolved by the House of Representatives, the Senate concurring,
That the Auditor of State be, and he is hereby instructed to draw his warrant on the treasury in favor of Thomas D. Fister, chair-

man of the joint committee on the penitentiary, for the sum of fifteen dollars in payment for expenses incurred by said committee in visiting the penitentiary at Wetumpka, under instructions from the General Assembly.

Approved, February 2, 1870.

No. 5.]

JOINT RESOLUTION.

In favor of the establishment of a National Postal Telegraph System.

Be it resolved by the Senate of Alabama, the House of Representatives concurring, That the cheapest and freest possible use of every means of rapid communication between the people of different parts of our country is essential to the promotion of the highest civilization and the most perfect unity, and that in the present state of scientific development, such a means of communication can be best afforded to all the people by the establishment of a national postal telegraph system, under the control of the general government.

SEC. 2. *Be it further resolved,* That our senators in Congress be instructed, and our representatives requested, to use their best endeavors and influence for the establishment, by act of Congress, of a national postal telegraph, which shall afford to the people abundant facilities for telegraphic correspondence, with equal charges for like distances in all parts of the country.

SEC. 3. *Be it further resolved,* That a certified copy of these resolutions shall be sent by the Governor, under the great seal of the State, to the President of the United States Senate and the Speaker of the House of Representatives, with the request that the same may be laid before the respective houses of Congress; and that a copy be sent to each Senator and Representative in Congress from Alabama.

Approved, February 2, 1870.

No. 6.]

JOINT RESOLUTION

Making an appropriation to pay the sergeant-at-arms of of the House, for services in summoning witnesses.

Be it resolved by the House of Representatives, (the Senate concurring,) That the sum of seventy-five dollars, or so much thereof as may be necessary, be appropriated out of any moneys in the

treasury, not otherwise appropriated, to pay the expenses of sergeant-at-arms in the House, for proceeding to Wetumpka, Alabama, under the order and direction of the chairman of the joint committee of the two houses on penitentiary, and the expenses to be incurred for proceeding at once to the same place, under orders from the same committee, for the purpose of arresting or summoning witnesses, in certain matters pending before that committee; and that the auditor of State be required to draw his warrant on the treasurer for such sum, on presentation of the certificate of the speaker of the house and president of the senate.

Approved, February 19, 1870.

No. 7.]

JOINT RESOLUTION:

For the relief of E. F. Jennings, T. C. Steward, John Hardy, Paul Strobach, James A. Reeves, William Miller, J. D. Sibley, J. DeF. Richards and F. D. Wyman.

Be it resolved by the House of Representatives, (the Senate concurring), That the sum of five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby set apart and appropriated, from any money in the treasury not otherwise appropriated, and hereby allowed and granted, for the payment of the *per diem* and expenses incurred during the recess of the present General Assembly by the several joint committees appointed to examine and report thereon the condition of certain railroads in this State.

Approved, February 24, 1870.

No. 8.]

A MEMORIAL

Of the General Assembly of Alabama to the Congress of the United States, for the renewal of a land grant to the State of Alabama, under an act of Congress of June 3d, 1856.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled, The General Assembly of the State of Alabama, respectfully memorializing your honorable bodies in relation to the act of Congress of June 3d, 1856, entitled "An act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State," beg leave to state, that the Alabama and Tennessee River Railroad,

referred to in said act under the designation of the "Coosa and Alabama Railroad from Selma to Gadsden," has, under authority of acts of this State, and of the State of Georgia, been consolidated under one charter, with two other lines of railroad in the State of Georgia, under the name of the "Selma, Rome and Dalton Railroad;" that the original route of said Alabama and Tennessee River Railroad, under authority of an act of this State, since the passage of said act of Congress, has been so changed as to authorize the construction of said road in the direction of Rome, in Georgia, instead of Gadsden, in this State, and that the said road, in connection with the aforesaid lines in Georgia, consolidated as aforesaid, has been completed to the city of Rome in Georgia, and is being rapidly constructed, and extended from the latter place to Dalton, to be completed, as your memorialists are assured, within a few months, connecting at Dalton with the important system of railroads of Georgia and Tennessee, and other States. Your memorialists believe that this line of railroad, connecting at its southern terminus with the Alabama river, and with important lines of railway, concentrating at the city of Selma, and extending thence two hundred and thirty-six miles, in a north-eastern direction to Dalton, as aforesaid, with its connections at Dalton, may justly be regarded as one of our most important national thoroughfares, and is eminently entitled to the favor of your honorable body; while the energetic and enterprising company who have the said road in charge, and are pushing it to completion, are equally entitled to your generous consideration.

Your memorialists, therefore, most respectfully petition your honorable bodies for a confirmation of the grant in said act of Congress intended to aid the construction of the said Alabama and Tennessee River Railroad, in favor of the consolidated company; that is to say, the Selma, Rome and Dalton Railroad Company; and that the said grant may be so extended as to embrace and include the alternate sections and subdivisions of public lands on the existing line and route of said Selma, Rome and Dalton Railroad in lieu of the lands granted by said act of Congress for the Gadsden portion of the original route, subsequently changed as aforesaid.

All which is most respectfully submitted.

Approved, February 28, 1870.

No. 9.]

A JOINT MEMORIAL

To Congress, asking for increased postal facilities in Alabama.

To the Senate and House of Representatives of the United States of America in Congress assembled : Your memorialists, the Senate and House of Representatives of the General Assembly of Alabama, respectfully represent that many of the people of Alabama have been for several years very inadequately supplied with mail facilities, and that urgent need now exists for the establishment of additional mail routes, especially upon the Tennessee and Tombigby rivers, and upon the lines of new railroads now rapidly advancing to completion in many parts of the State, and they earnestly ask your adoption of such measures as will meet the exigencies mentioned, and give increased postal accommodation to the people of Alabama.

Approved, March 3, 1870.

No. 10.]

A JOINT RESOLUTION

By the Senate of Alabama, (the House of Representatives concurring,) That the Auditor of State is hereby authorized to draw his warrant on the treasurer of Alabama for such amount as may be due to J. L. Watson and T. W. Crowder, clerks employed by the Senate ; *Provided,* The President of the Senate shall first approve the accounts of such clerks.

Approved, March 3, 1870.

No. 11.]

JOINT RESOLUTION.

Resolved by the House of Representatives of the State of Alabama, (the Senate concurring,) That the salary of the recording secretary of the Executive Department be fixed at one hundred dollars per month.

Approved, March 3, 1870.

**OFFICE SECRETARY OF STATE,
MONTGOMERY, ALA., April 20, 1870. }**

**I certify that the foregoing Acts and Resolutions are correct
copies from the original rolls on file in this office.**

**CHARLES A. MILLER,
Secretary of State.**

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TABLE

OF THE

Rates of Interest of the States of the Union.

Compiled in pursuance of an Act approved February 18th, 1848.

Maine	6 per cent.	Kansas, (convent'l).	10 per cent.
Rhode Island.	6 " "	New Hampshire.	6 " "
Massachusetts	6 " "	Connecticut.	6 " "
New York.	7 " "	Vermont.	6 " "
Pennsylvania.	6 " "	New Jersey.	6 " "
Maryland.	6 " "	Delaware.	6 " "
North Carolina.	6 " "	Virginia.	6 " "
Tennessee.	6 " "	South Carolina.	7 " "
Ohio.	6 " "	Kentucky.	6 " "
Illinois.	6 " "	Indiana.	6 " "
Alabama.	8 " "	Georgia.	8 " "
Arkansas.	6 " "	Missouri.	6 " "
Iowa.	7 " "	Michigan.	6 " "
Texas.	8 convent'l	Florida.	8 " "
California.	10 " "	Wisconsin.	7 " "

MISSISSIPPI—Legal interest, 6 per cent., and lent money 8 per cent.

LOUISIANA—Legal interest, 5 per cent.; bank interest, 6 per cent.; conventional interest, 10 per cent.

OFFICERS AND MEMBERS
OF THE
GENERAL ASSEMBLY OF ALABAMA,
SESSION OF 1869-70.

NAMES OF SENATORS.	POST-OFFICES.
Applegate, A. J., Lieut. Governor and President . . .	Mobile.
Blue, M. P., Secretary	Montgomery.
Whiting, D. C., Assistant Secretary	Decatur.
Rev. McCutchen, J. A., Chaplain	Wetumpka.
Jones, W. M., Sergeant-at-Arms	Montgomery.
Craig, H. H., Door-keeper	do
Carter, Eugene, Page	do
Blue, Neil W., Page	do
Barr, R. N.	Claiborne.
Bromberg, F. G.	Mobile.
Buckley, W. M.	Hayneville.
Coon, D. E.	Selma.
Farden, J. A.	Montgomery.
Foster, J. T.	Butler.
Glass, W. W.	Society Hill.
Hinds, J. J.	Decatur.
Johnston, Burrell	Greensboro'.
Jones, W. B.	Demopolis.
King, Phillip	Haw Ridge.
Lambert, Thomas	Rockford.
Lentz, B.	Athens.
Mabry, J. W.	Clayton.
Mahan, J. W.	Briarfield.
McAfee, G. T.	Talladega.
McIntosh, A. M.	Eutaw.
Martin, W. B.	Columbus, Ga.
Miller, Wm., Jr.	Greenville, Ala.
Morton, J. F.	Dublin.
Oliver, John	Round Pond.
Pennington, J. L.	Opelika.
Richards, J. DeF.	Camden.
Royal, B. F.	Union Springs.
Sanford, H. C.	Ladiga.
Sevier, D. V.	Frankfort.
Sibley, Isaac D.	Huntsville.

NAMES OF SENATORS.

	POST-OFFICES.
Stow, J. P.	Montgomery.
Whitney, C. O.	Scottsboro'.
Wise, H. H.	Arbacoochee.
Worthy, A. N.	Troy.
Wyman, F. D.	Uniontown.
Yordy, J. A.	Mobile.

NAMES

OF

REPRESENTATIVES AND THEIR POST-OFFICES.**NAMES OF REPRESENTATIVES.****COUNTY.****POST-OFFICE.**

Geo. F. Harrington, Speaker.	Mobile	Mobile.
Alexander, Benj.	Greene	Eutaw.
Armstrong, T. W.	Lowndes	Manack.
Alley, Wm.	Macon	Tuskegee.
Ard, J. R.	Dale	Ozark Creek.
Arthur, W. C.	Montgomery	Montgomery.
Alston, J. H.	Macon	Tuskegee.
Attaway, E. W.	Shelby	Cedar Grove.
Avery, Matt.	Perry	Marion.
Baker, A.	Autauga	Chestnut Creek.
Bell, M. R.	Cleburne	Chulafinnee.
Blandon, S. B.	Lee	Opelika.
Brantley, W. A.	Dallas	Fort's Post-office.
Brewington, N.	Lowndes	Lowndesboro'.
Burton, Pierce.	Marengo	Demopolis.
Burke, Richard	Sumter	Gainesville.
Carraway, John	Mobile	Mobile.
Childress, E. T.	Talladega	Talladega.
Chisholm, W. R.	Lauderdale	Florence.
Coleman, J. W.	Greene	Eutaw.
Corprew, C.	Tallapoosa	Dadeville.
Cox, G. W.	Montgomery	Montgomery.
Daniels, J. W.	Jackson	Larkinsville.
Dereen, Jno. W.	Marengo	Demopolis.
Diggs, Thos.	Barbour	Eufaula.
Doster, C.	Barbour	Louisville.
Drawn, Joseph	Dallas	Selma.
Emmons, A.	Dallas	Selma.
Evans, J. S.	Choctaw	Bladon Springs.
Fister, Thomas D.	Calhoun	Jacksonville.

NAMES OF REPRESENTATIVES.	COUNTY.	POST-OFFICE.
Green, J. K.	Hale	Greensboro'.
Haley, G. M.	Marion	Haleysville.
Hardy, John.	Dallas	Selma.
Harris, R. E.	Limestone	Athens.
Hart, John A.	Butler	Greenville.
Henderson, Wm.	Wilcox	Prairie Bluff.
Hill, D. H.	Bullock	Union Springs.
Holman, A. L.	Baldwin	Pensacola, Fla.
Houston, Geo.	Sumpter	Livingston.
Humphreys, D. C.	Madison	Huntsville.
Humphrey, W. D.	do	"
Hubbard, John P.	Pike	Troy.
Hurt, W. F.	Jackson	Bellefonte.
Jennings, E. F.	Lawrence	Moulton.
Jones, S. W.	Tuskaloosa	Tuskaloosa.
Kendrick, P. A.	Bibb	Briarfield.
Kenner, S. F.	Jackson	Woodville.
King, Horace.	Russell	Columbus, Ga.
Lawrence, E. W.	Sanford	Vernon.
Lewis, G. S. W.	Perry	Uniontown.
Lore, David.	Barbour	Eufaula.
McKinstry, Alex.	Mobile	Mobile.
Masterson, Thomas	Lawrence	Moulton.
Mastin, Wm.	Crenshaw	Panola.
Malone, G. W.	DeKalb	Lebanon.
McCall, D. A.	Bullock	Union Springs.
Moore, J. G.	Coffee	Elba.
Mancil, E. J.	Covington	Andalusia.
Murrah, Wm.	Pickens	Columbus, Miss.
Newsom, T. W.	Clay	Ashland.
Ninninger, John	Lowndes	Calhoun Station.
Parker, J. J.	Monroe	Claiborne.
Proskauer, Adolph	Mobile	Mobile.
Quinn, J. E.	"	"
Reeves, Jas. A.	Cherokee	Centre.
Rice, H. W. W.	Talladega	Talladega.
Richardson, A. G.	Wilcox	Prairie Bluff.
Randolph, Ryland	Tuskaloosa	Tuskaloosa.
Ronayne, Justin	Madison	Huntsville.
Rose, E. R.	Marengo	Demopolis.
Sanford, Thomas	Jefferson	Elyton.
Simmons, C. P.	Colbert	Tuscumbia.
Smith, W. G. W.	Morgan	Falkville.
Speed, Lawrence	Bullock	Union Springs.
Springfield, H. J.	St. Clair	Ashville.
Steward, T. C.	Perry	Marion.
Strobach, Paul	Montgomery	Montgomery.
Stubblefield, W. T.	Walker	Eldridge.
Taylor, W. L.	Chambers	Lafayette.

NAMES OF REPRESENTATIVES.	COUNTY.	POST-OFFICE.
Taylor, John.....	Winston	Littleville.
Taylor, W.....	Sumpter	Belmont.
Thompson, Holland.....	Montgomery	Montgomery.
Thweatt, C. T.....	Tallapoosa	Montgomery.
Tiller, E. E.....	Henry	Abbeville.
Tompkins, H. C.....	Franklin.....	Frankfort.
Tucker, Coke.....	Lee	Opelika.
Turner, Wm. V.....	Elmore.....	Wetumpka.
Tyner, J.....	Russell.....	Society Hill.
Vanzandt, James.....	Coosa	Rockford.
Walker, J. M.....	Hale	Greensboro'.
Waldrop, J. R.....	Washington	Escatawba.
Weaver, Spencer.....	Dallas	Athens.
White, G.....	Blount.....	Walnut Grove.
Williams, L. J.....	Montgomery	Montgomery.
Wilson, B. R.....	Clarke.....	Gainestown.
Wood, Jack.....	Randolph	Louina.
Yates, J.....	Conecuh	Evergreen.
W. B. Cloud, Clerk.....	Montgomery.....	Montgomery.
E. C. Silsby, Assistant Clerk.....	Dallas.....	Selma.
J. M. Levy, Journal Clerk.....	Montgomery	Montgomery.
G. M. Clarke, Engrossi'g Cl'k.....	Mobile	Mobile.
S. S. Gardner, Enrolli'g Cl'k.....	Montgomery	Montgomery.
L. S. Berry, Serge'nt-at-arms.....	Mobile	Mobile.

ERRATA.

For John M. Rogueman, read John M. Roqueman—page 165.

